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1980

United States  
International  
Trade  
Commission



Annual Report  
1960

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Members of the Commission on September 30, 1981. Left to right: Commissioners Michael J. Callahan, Bill Allinger, Catherine Sobell, Paula Stern, and George M. Moore.





# message

from the chairman

The International Trade Commission completed one of the heaviest caseloads in its 65-year history during fiscal year 1980. It was, perhaps, the Commission's busiest year ever. The Commission's caseload increased sharply over that in fiscal year 1979, when 62 investigations were completed. In fact, the Commission's caseload more than doubled during fiscal year 1980 with the completion of 142 investigations. These included 108 antidumping and countervailing duty and 13 unfair trade practice cases.

Statutorily mandated, import-related investigations continued to constitute the largest segment of our workload. Our unusually wide range of activities during fiscal year 1980 was a direct outgrowth of the Commission's expanded responsibilities resulting from the passage of the Trade Act of 1974 and the Trade Agreements Act of 1979. One of the major Commission programs currently underway is our work on the Harmonized Commodity Code, now being negotiated in Brussels. This is the largest nomenclature-related activity undertaken by the Commission since the formulation of the revised Tariff Schedules of the United States in 1962. Moreover, in response to requests from the President and the Congress, the Commission continued to broaden its investigative scope to bring its commodity and economic expertise to bear on a number of specific trade issues and provide a sound body of factual material to put at the disposal of those responsible for formulating and implementing U.S. trade policy.

In summary, during 1980 we charted a course of action that allowed us to produce high-quality work on a constantly increasing number of investigations. That the Commission met the challenges before it with a modest rise in staff is attributable to the pride and professionalism of the men and women who worked with the Commission.



Bill Alberger  
Chairman



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# Summary of activities

## Investigations Completed

### Title II, Tariff Act of 1930:

Sec. 302 investigations ..... 9

Sec. 307 investigations of alleged unfair practices  
in importation and sale of imported products ..... 13

Antidumping and countervailing duty investigations ..... 138

### Trade Act of 1974:

Secs. 121 and 303 advice on possible trade  
agreements ..... 9

Sec. 201 "escape clause" cases ..... 9

Sec. 202 "review" case ..... 1

Sec. 406 "market disruption" cases ..... 2

Sec. 409 preliminary investigation ..... 1

Trade Agreements Act of 1979, sec. 225 ..... 1

Total ..... 145

## Other Activities

Publications issued (in add'n to reports on  
investigations)

Synthetic organic chemicals, production and sales ..... 13

Genotoxic chemicals, imports ..... 1

Responses to requests from Members of Congress and  
congressional committees ..... 1,330

Import and export transactions analyzed ..... 97,000

Library transactions

Volumes in collection ..... 79,200

Reference sets ..... 6,790

Reports prepared on proposed legislation ..... 85

Reports prepared on specified commodities ..... 27

Reports prepared on East-West trade ..... 4

Summaries of trade and tariff information ..... 9



# introduction

to the USITC

In the thorough economic scrutiny of the commodities it investigated, the Commission used its research, investigative, determinative, and remedial resources to fulfill its role as an independent agency with quasi-judicial responsibilities. To get the facts and to insure that all sides to an issue are heard, extensive fieldwork was completed, and scores of public hearings were held in Washington, D.C.

As a factfinding agency, the Commission has broad powers to study and investigate—

- All factors relating to U.S. foreign trade and its effect on domestic production, employment, and consumption, and
- The competitiveness of U.S. products.

The Commission's mission is to contribute to the development of U.S. international trade policy in a manner that is soundly based and as equitable as possible to all concerned. By statute, the Commission may act on its own initiative or at the request of the President, the Committee on Finance of the U.S. Senate, or the Committee on Ways and Means of the U.S. House of Representatives.

The Commission staff numbers about 400 individuals who represent a divergence of professions, including attorneys, economists, investigators, commodity analysts, and data system programmers. Their primary function is to gather facts and evaluate data to assist the Commission in its determinations.

Commission activities cover a broad range of responsibilities, including—

- Investigating eligibility of and recommending appropriate import relief for domestic industries.
- Taking action against unfair practices in import trade, including the importation and sale of items at less than fair value or the importation of items whose production or export was subsidized by a foreign government.
- Conducting studies on trade and tariff issues relating to U.S. foreign trade.
- Assisting in the development of uniform statistical data to achieve comparability of import, export, and domestic production statistics.

The Commission receives opinions and comments on trade issues and policies. It also provides technical and factual information on trade matters. Through public hearings and by other means, the views of interested and affected parties such as labor, industry, agriculture, importers, and consumers are represented, considered, and evaluated in providing the Commission's technical assistance and advice to the President and the Congress.





# pictorial profile

Fiscal year 1980 marked a milestone in the 64-year history of the United States International Trade Commission. The agency's caseload soared to a record level with the completion of 142 investigations. More than three-fourths of these import-related cases (108) involved antidumping and countervailing duty investigations and stemmed from the Commission's expanded role under the Trade Agreements Act of 1979. The year also was distinguished by petitions requesting import relief from basic industries—the steel and automobiles—that had a significant impact on the domestic economy. The completed investigations directly involved about \$4.5 billion in trade from the countries affected and indirectly involved over \$7.5 billion in import trade.

## Carbon steel

(1) During a year conspicuous for its high public visibility, the Commission completed a preliminary antidumping investigation on carbon steel products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and the United Kingdom.

(2) The opening round in the United States Steel Corporation complaints started with delivery of petitions and documentation to the historic USITC building. The multistation dollar cases represented a massive volume of trade and concerned the product lines from the European Community countries.

(3) The corporation's counsel John J. Wengen brought the multiple copies of petitions to the Office of the USITC Secretary for processing by district chief Ruby Dornse.





(4) A standing-room-only audience attended the investigative conference, chaired by Director of Operations Charles Egan, which gave opposing parties an opportunity to present pertinent facts and data.



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(6) Congressional witnesses included Representatives Adam Berenson, D-Ind., (6) John H. Buchanan, D-Ill., and (7) Joseph W. Gayton, D-Pa. (8) Governor of West Virginia John D. Rostker, IV, and (9) Chairman of the Ohio House coal task force Tom Carney also testified. (10) Trade attorney Alfred R. McCauley made the presentation on behalf of firms opposed to the petitions for import relief, augmented by (11) comments from counsel David Houlahan.





## Ambydrous amnesia

(1) World-renowned individual (2) demand for more control right before the Commission's March 20, 1980, hearing concerning alleged market disruption by imports of ambydrous amnesia from the U.S.S.R. The Occidental Petroleum Corporation board chairman appeared at the second of two such USITC investigations completed during the fiscal year.



## Struthopine

(3) Senator Richard S. Schweiker (right) and Representative Richard T. Schulz (Republican of Pennsylvania) were in the company of witnesses regarding import and for the American State's Russian producers and processors. The "export control" investigation hearing was held in Washington, D.C., on July 31, 1980.

## Portable electric typewriters

(3) Washington, D.C., attorney H. William Tanaka gives apt attention to Commission questioning at the April 22, 1980, hearing concerning imports of Japanese portable electric typewriters from Japan. The antitrust investigating committee charged that the imported products materially injured the domestic industry.





#### **Automobiles**

(1-4) The eyes of the world trading community were upon the Commission as it conducted an investigation on imported motor vehicles, chassis, and bodies under the Trade Act of 1974. The United Automobile Workers and Ford Motor Co. sought import quotas and higher duties on cars and trucks in their "escape clause" petitions filed with the USITC. The Commission's investigation of the \$79 billion domestic market began on June 30, 1980, and was in progress as the fiscal year ended. Commissioners and investigative staff, seeking firsthand facts about the domestic industry, visited U.S. auto manufacturing plants in Wisconsin, Michigan, and New Jersey.

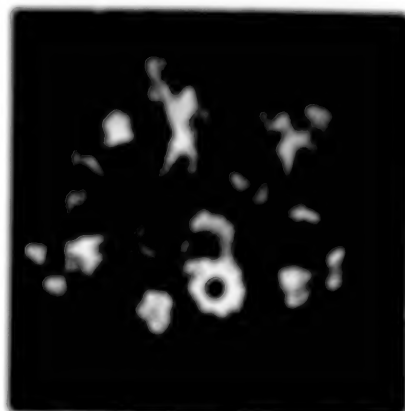




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## Roses

(1, 2) The subject was roses—fresh cut roses, to be precise—during the Commission's "escape clause" investigation of allegations by some 250 U.S. producers that imported roses were a substantial cause or threat of serious injury to the domestic industry. The exhibits were undoubtedly the most beautiful commission examined by the Commissioners during the year.



The U.S. International Trade Commission is authorized by law to investigate all aspects of international trade involving the United States. During fiscal 1980, investigations were conducted under provisions of the Trade Agreements Act of 1979, the Trade Act of 1974, the Tariff Act of 1930, and the Antidumping Act, 1921.

#### TRADE AGREEMENTS ACT OF 1979<sup>1</sup>

The Trade Agreements Act of 1979 contains a new tariff exemption for benzene chemical with rates of duty adjusted to reflect the adoption by the United States of a revised system of customs valuation based primarily upon transaction value. Under section 225 of the act, the President is authorized to prohibit modification of the article descriptions in subparts B and C of part 1 of schedule 4 of the Tariff Schedules of the United States in order to transfer duties within those provisions. The President may not make such modification unless the Commission determines that (1) the chemical or product was not valued for customs purposes on the basis of the American selling price upon entry into the United States during a period determined by the Commission to be representative, and (2) a rate of duty provided for in such subparts, other than the rate of duty that would apply but for this section, is more appropriate and representative for such chemical or product.

On August 10, 1979, the Commission instituted an investigation under section 225 of the Trade Agreements Act of 1979 (investigation No. 225-1), with respect to the dutiable status of certain benzene chemical imports from Switzerland and the European Community following receipt of a request from the United States Trade Representative.

The Commission reviewed lists of chemicals provided by Switzerland and the European Community with regard to the U.S. customs treatment of each chemical during 1976, 1977, and 1978. Following the review, the Commission determined which chemicals satisfied the criteria stated under section 225 and submitted its findings in a report to the President and the United States Trade Representative on January 7, 1980.

#### TRADE ACT OF 1974<sup>2</sup>

##### Advice to the President

Section 1211 of the Trade Act of 1974 grants the President authority to enter into trade agreements in order to modify or continue existing duties or duty-free treatment. Prior to entering into such agreements the President is required, pursuant to section 1213 of the Trade Act of 1974, to furnish the U.S. International Trade Commission with lists of articles on which the duty may be modified or continued. The Commission, in turn, must furnish the President, within 6 months, its advice as to the probable economic effect of such modifications or continuations on industries and consumers.

On October 26, 1979, and April 7, 1980, the Commission received

<sup>1</sup> Public Law 96-25, approved July 28, 1979.

<sup>2</sup> Public Law 93-278, approved April 6, 1974.

<sup>3</sup> 19 U.S.C. 2111.

<sup>4</sup> 19 U.S.C. 2101.

from the United States Trade Representative lists of articles for possible trade-agreement negotiation. The lists included fresh, chilled, or frozen vegetables. The Commission instituted investigations Nos. TA-121(2)-3 and TA-121(2)-4 on November 8, 1978, and April 14, 1980, respectively, to provide the President with the required information and advice. The Commission transmitted its confidential reports on the respective investigations to the President on December 20, 1978, and June 18, 1980.

Section 303<sup>2</sup> of the Trade Act requires that the President, from time to time, furnish the Commission with lists of articles which may be provided duty-free treatment under provisions of a Generalized System of Preferences. The Commission must then advise the President as to the probable economic effect on industries and on consumers of granting trade preferences for each article listed if imported from countries designated by the President as beneficiary developing countries.

On December 7, 1978, the United States Trade Representative furnished the Commission with a list of certain articles to be considered for inclusion in the Generalized System of Preferences. The Commission initiated investigations Nos. TA-303(a)-6 and 303-107 on December 20, 1978, and transmitted its confidential report to the President on March 10, 1980.

## Raided From Injury Caused by Import Competition

Section 301<sup>4</sup> of the Trade Act of 1974 provides means whereby relief may be sought for the purpose of facilitating orderly adjustment to import competition. A trade agreement firm, certified or designated union, or group of workers or other entity which is representative of an industry may file a petition for import relief when petitioned, the Commission is required to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury or the threat thereof to a domestic industry producing an article like or directly competitive with the imported article. If the Commission determines in the affirmative, it must find the amount of the increase in, or imposition of, any duty or restriction on such article which is necessary to prevent or remedy such injury or recommend the provision of adjustment assistance to firms, workers, or communities (under section 305) if the President

determines to provide import relief for the industry, he shall: (1) prohibit an increase in, or imposition of, a duty on the article concerned; (2) prohibit a tariff-rate quota; (3) impose or modify a quantitative restriction on imports; (4) negotiate an orderly marketing agreement; or (5) take any combination of such actions. If the President does not provide relief in the form recommended by the Commission, the Congress can, by approval of a concurrent resolution, override the President's action, under section 205(c)(2) the President is then required to implement the Commission's recommended relief.

During fiscal 1980, the Commission completed five investigations under section 301 within the 6-month statutory time limit. Table 1 shows information on the investigations completed during the year.

One section 301 investigation was in progress at the close of the year, No. TA-201-44, on certain motor vehicles and certain chassis and bodies thereof. The Commission instituted the investigation on June 20, 1980, following the receipt, on June 12, 1980, of a petition for import relief filed by the International Union, United Automobile, Aerospace, & Agricultural Implement Workers of America. On August 4, 1980, the Commission received a petition for similar import relief from the Ford Motor Co. Notice of the Ford petition and the Commission's consideration of Ford as a co-petitioner in the investigation already underway was published in the *Federal Register* of August 21, 1980.

Section 305(c)(2)<sup>5</sup> of the Trade Act of 1974 in part provides that upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to the section.

Upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 6 months, and not later than the date which is 8 months, before the date any import relief is provided pursuant to this section it is permitted to exceed of the expiration of the initial period thereof the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

During fiscal 1980, the Commission, upon receipt of a request from the domestic indus-

<sup>1</sup> 16 U.S.C. 1980  
<sup>2</sup> 16 U.S.C. 1981

<sup>3</sup> 16 U.S.C. 1982a











year ended, final Commission action on a proposed consent order was pending.

## TARIFF ACT OF 1930

### Countervailing Duty Investigations

#### Section 303.

Section 303<sup>1</sup> of the Tariff Act of 1930 provides that whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or receive, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether it is imported directly from the country of production or otherwise and whether it is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

<sup>1</sup> 19 USC 1930.

In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Commission under subsection (b)(1), except that such a determination shall not be required unless a determination of injury is required by the international obligations of the United States.

During fiscal year 1980, the Commission instituted and concluded two preliminary and three final investigations under section 303. They are summarized in table 3. Investigation No. 303-TA-14 (Final), on plastic animal identification tags from New Zealand, instituted on August 1, 1980, was pending as the fiscal year closed.

#### Title VII.

The Trade Agreements Act of 1979 amended title VII of the Tariff Act of 1930, which contained additional countervailing duty provisions. Effective January 1, 1980, the new statute added the requirement of a Commission determination regarding injury to a domestic industry before imposition of countervailing duties. It extends the benefit of a Commission injury determination to subsidy cases involving dutiable merchandise provided that the merchandise originates in a country to the Subsidies Code of the General Agreement on Tariffs and Trade.

In general, upon the filing of a petition with the Department of Commerce, the Commission conducts

Table 3.—Countervailing duty investigations completed under sec. 303(b) of the Tariff Act of 1930, fiscal year 1980

Investigation No.	Article concerned	Preliminary investigation			Final investigation			
		(a) Request received	(b) Conference Report to Secretary of Commerce	Finding that there is no countervailable subsidy (or injury) (Commerce Certificate No. none reported)	(c) Request received	(d) Hearing Report to Secretary of Commerce	Alternative	Reported
303-TA-11 <sup>1</sup>	Recrystallized furfural polymers from India	—	—	—	—	—	—	—
303-TA-12 <sup>1</sup>	Pig iron from Brazil	—	—	—	—	—	—	—
303-TA-13	Carbon electro-welded springs from India	(a) 5-15-80 (b) 5-17-80 (c) 5-18-80	—	injury exchange found found found	1980 (a) 5-28-80 (b) 5-27-80 and 6-29-80 (c) 5-15-80	Exchange found found found	Exchange	1980
303-TA-14	Plastic animal identification tags from New Zealand	(a) 7-1-80 (b) 8-27-80 (c) 9-15-80	—	Exchange without found found	1980 —	—	—	—

<sup>1</sup> Because investigation No. 303-TA-11 had not been completed at the time the new countervailing duty provisions became effective (Jan. 1, 1980), the investigation was withdrawn and discontinued as investigation No. 303-TA-12 (Final) pursuant to sec. 102 of the Trade Agreements Act of 1979.

<sup>2</sup> Because investigation No. 303-TA-12 had not been completed at the time the new countervailing duty provisions became effective

(Jan. 1, 1980), the investigation was terminated and terminated as investigation No. 303-TA-13 (Final) pursuant to sec. 102 of the Trade Agreements Act of 1979.

<sup>3</sup> Determination that there is a countervailable subsidy that an industry in the United States is materially injured or is threatened with material injury.

a preliminary investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports.

The Commission, after an affirmative determination by the Department of Commerce, conducts a final investigation to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of subsidized imports.

Preliminary investigations must be completed within 45 days of the filing of the petition. Final investigations must be completed within 135 days after an affirmative preliminary Commerce determination or 45 days after an affirmative final Commerce determination, whichever occurs later, or within 75 days after an affirmative final Commerce determination preceded by a negative preliminary Commerce determination.

If the Commission's determination in the preliminary investigation is affirmative, Commerce continues its investigation and makes a finding of whether imports are subsidized. If the Commission's determination is negative, Commerce terminates its investigation.

If the Commission's determination in the final investigation is affirmative, Commerce issues an order under which a countervailing duty is imposed on the subsidized articles. If the Commission's determination is negative, no such order is issued and no countervailing duty is collectible.

During fiscal 1980, the Commission completed 63 countervailing duty investigations under title VII, which are summarized in table 4. A preliminary investigation, Nos. 701-TA-64, on certain glass-lined steel storage tanks and glass-lined steel pressure vessels, and parts thereof from France, instituted on September 2, 1980, was pending as the fiscal year ended.

#### Litigation Arising From Countervailing Duty Investigations

The only litigation arising from a countervailing duty investigation during fiscal 1980 was *Hankel Corp. v. United States* (Court No. 80-6-00910), an appeal to the Customs Court from the Commission's negative determination in investigations Nos. 701-TA-11-19 and 701-TA-22-30 (Dextrines and Soluble or Chemically Treated Starches Derived from Corn or Potato Starch). The Commission determined that the domestic industry is not materially injured or

threatened with material injury by reason of subsidized imports from the European Community. The appeal alleges various errors on the part of the Commission, which the Commission denied in an answer filed on August 4, 1980.

#### General Investigations

The Tariff Act of 1930 empowers the Commission to investigate and report on many aspects of U.S. foreign trade. Studies made under section 332 of the act are usually broader in scope and focus than other statutory investigations conducted by the Commission.

Section 332 " of the Tariff Act of 1930 sets forth the Commission's authority to investigate, among other things—

- The administration and fiscal and industrial effects of the customs laws of this country;
- The relationship between rates of duty on raw materials and finished or partly finished products;
- The effects of ad valorem and specific duties and of compound (specific and ad valorem) duties;
- All questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs law;
- The operation of customs laws, including their relation to the Federal revenues and their effect upon the industries and labor of the country;
- The tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, and economic alliances;
- The effect of export bounties and preferential transportation rates;
- The volume of importations compared with domestic production and consumption; and
- Conditions, causes, and effects tending to competition of foreign industries with those of the United States.

The Commission is required to make such reports as may be requested by the President, the House Committee on Ways and Means, the Senate Committee on Finance, or either House of Congress concerning such matters.

During fiscal 1980, eight investigations under section 332 of the Tariff Act of 1930 were completed by the Commission, as shown in table 5. The 15 investigations which were in progress at the close of fiscal 1980 are summarized in table 6.



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Table 4.—(Continued) July investigations completed under title VI of the Toxic Act of 1930, fiscal year 1935—

Investigation No.	Article concerned	Preliminary investigation			Final investigation			Net contribution	GRI/FC Substitution No.
		(a) Request received (b) Conference (c) Report to Secretary of Conference	Finding that 'there is no reasonable indication of receipt' of material (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)	Finding that 'there is a reasonable indication of receipt' of material (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)	(a) Request received (b) Conference (c) Report to Secretary of Conference	(d) Finding (e) Report to Secretary of Conference	(f) Finding (g) Report to Secretary of Conference		
101-101-01 through 101-101-02	Article 101-01 and 101-02	---	---	---	(a) 1. 1-01 (b) 1. 1-02 (c) 1. 1-03	---	Change Contribution Share Share	---	101
101-101-03	Article 101-03	---	---	---	(a) 1. 1-04 (b) 1. 1-05 (c) 1. 1-06	---	Change Contribution Share Share	---	101
101-101-04	Article 101-04	---	---	---	(a) 1. 1-07 (b) 1. 1-08 (c) 1. 1-09	---	Change Contribution Share Share	---	101
101-101-05	Article 101-05	---	---	---	(a) 1. 1-10 (b) 1. 1-11 (c) 1. 1-12	---	Change Contribution Share Share	---	101
101-101-06	Article 101-06	---	---	---	(a) 1. 1-13 (b) 1. 1-14 (c) 1. 1-15	---	Change Contribution Share Share	---	101
101-101-07	Article 101-07	---	---	---	(a) 1. 1-16 (b) 1. 1-17 (c) 1. 1-18	---	Change Contribution Share Share	---	101
101-101-08	Article 101-08	---	---	---	(a) 1. 1-19 (b) 1. 1-20 (c) 1. 1-21	---	Change Contribution Share Share	---	101
101-101-09	Article 101-09	---	---	---	(a) 1. 1-22 (b) 1. 1-23 (c) 1. 1-24	---	Change Contribution Share Share	---	101
101-101-10	Article 101-10	---	---	---	(a) 1. 1-25 (b) 1. 1-26 (c) 1. 1-27	---	Change Contribution Share Share	---	101
101-101-11	Article 101-11	---	---	---	(a) 1. 1-28 (b) 1. 1-29 (c) 1. 1-30	---	Change Contribution Share Share	---	101
101-101-12	Article 101-12	---	---	---	(a) 1. 1-31 (b) 1. 1-32 (c) 1. 1-33	---	Change Contribution Share Share	---	101
101-101-13	Article 101-13	---	---	---	(a) 1. 1-34 (b) 1. 1-35 (c) 1. 1-36	---	Change Contribution Share Share	---	101
101-101-14	Article 101-14	---	---	---	(a) 1. 1-37 (b) 1. 1-38 (c) 1. 1-39	---	Change Contribution Share Share	---	101
101-101-15	Article 101-15	---	---	---	(a) 1. 1-40 (b) 1. 1-41 (c) 1. 1-42	---	Change Contribution Share Share	---	101
101-101-16	Article 101-16	---	---	---	(a) 1. 1-43 (b) 1. 1-44 (c) 1. 1-45	---	Change Contribution Share Share	---	101
101-101-17	Article 101-17	---	---	---	(a) 1. 1-46 (b) 1. 1-47 (c) 1. 1-48	---	Change Contribution Share Share	---	101
101-101-18	Article 101-18	---	---	---	(a) 1. 1-49 (b) 1. 1-50 (c) 1. 1-51	---	Change Contribution Share Share	---	101
101-101-19	Article 101-19	---	---	---	(a) 1. 1-52 (b) 1. 1-53 (c) 1. 1-54	---	Change Contribution Share Share	---	101
101-101-20	Article 101-20	---	---	---	(a) 1. 1-55 (b) 1. 1-56 (c) 1. 1-57	---	Change Contribution Share Share	---	101
101-101-21	Article 101-21	---	---	---	(a) 1. 1-58 (b) 1. 1-59 (c) 1. 1-60	---	Change Contribution Share Share	---	101
101-101-22	Article 101-22	---	---	---	(a) 1. 1-61 (b) 1. 1-62 (c) 1. 1-63	---	Change Contribution Share Share	---	101
101-101-23	Article 101-23	---	---	---	(a) 1. 1-64 (b) 1. 1-65 (c) 1. 1-66	---	Change Contribution Share Share	---	101
101-101-24	Article 101-24	---	---	---	(a) 1. 1-67 (b) 1. 1-68 (c) 1. 1-69	---	Change Contribution Share Share	---	101
101-101-25	Article 101-25	---	---	---	(a) 1. 1-70 (b) 1. 1-71 (c) 1. 1-72	---	Change Contribution Share Share	---	101
101-101-26	Article 101-26	---	---	---	(a) 1. 1-73 (b) 1. 1-74 (c) 1. 1-75	---	Change Contribution Share Share	---	101
101-101-27	Article 101-27	---	---	---	(a) 1. 1-76 (b) 1. 1-77 (c) 1. 1-78	---	Change Contribution Share Share	---	101
101-101-28	Article 101-28	---	---	---	(a) 1. 1-79 (b) 1. 1-80 (c) 1. 1-81	---	Change Contribution Share Share	---	101
101-101-29	Article 101-29	---	---	---	(a) 1. 1-82 (b) 1. 1-83 (c) 1. 1-84	---	Change Contribution Share Share	---	101
101-101-30	Article 101-30	---	---	---	(a) 1. 1-85 (b) 1. 1-86 (c) 1. 1-87	---	Change Contribution Share Share	---	101

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1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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பொருளாதாரத் துறையில் இந்த மாதிரி திட்டமிடல்கள் நடைபெற வேண்டும். இது மூலம் குடி திட்டமிடலில் உடனடி நடவடிக்கை எடுக்கப்படும்.

Figure 1. *Phragmites* distribution in the coastal marshes of the Sacramento-San Joaquin River Delta, California, 1990-1999. The map shows the distribution of *Phragmites* in the coastal marshes of the Sacramento-San Joaquin River Delta, California, from 1990 to 1999. The map is divided into 10-degree latitude and longitude grid cells. The legend indicates the following categories: 1990-1999, 1990-1995, 1995-1999, and 1990-1999. The map shows the distribution of *Phragmites* in the coastal marshes of the Sacramento-San Joaquin River Delta, California, from 1990 to 1999.

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Fig. 1. (a)  $\text{Fe}^{2+}$  and (b)  $\text{Fe}^{3+}$  concentrations in the water column and sediments of the Tiber River estuary (Italy) in 1999. The data were obtained from the 1999 cruise of the Italian research vessel *Albatros* (see text for details). The vertical axis represents the distance from the river mouth (km) and the horizontal axis represents the distance from the Tiber River mouth (km). The vertical axis represents the distance from the river mouth (km) and the horizontal axis represents the distance from the Tiber River mouth (km).

# BEST DOCUMENT AVAILABLE

Table 2.—Investigations completed under sec. 332 of the Tariff Act of 1930, fiscal year 1980

Investigation No.	Subject	Origin	CBPC Publication	
			No.	Date
332-01	Foreign trade reports to the Bureau of Economic Analysis, trade agreements, and future prospects	Request of the Commission	—	(7)
332-02	Domestic and quarterly statistical reports providing certain information on domestic steel and alloy steel cases	Request from the President (Presidential Proclamation 4485)	1370 1380 1385 1390	November 1979 February 1980 March 1980 March 1980
332-03	Domestic and quarterly statistical reports providing certain information on steel-aluminum products	Request from the President (Presidential Proclamation 4485)	1370 1380 1385 1390	November 1979 February 1980 March 1980 May 1980
332-04	Competitive factors influencing world trade in imported cereals	Request from the Subcommittee on International Trade of the Committee on Foreign and the Subcommittee on International Property of the Committee on Banking, Housing, and Urban Affairs, United States Senate	1370	November 1979
332-05	Reasons and to steps in the domestic dairy industry	Request from the House Committee on Ways and Means	1380	December 1979
332-06	Identification of elements for the steel tariff administration for certain domestic products	Request from the United States Trade Representative	1370 1375	July 1980 July 1980 <sup>2</sup>
332-07 and 332-08 (to be decided)	Resolving the dispute which may be developed as a result of the dispute between the Government of the United States and the Government of the United Kingdom	Request from the United States Trade Representative	—	(7)
332-09	Study of the economic effects of the dispute of March 1979 by the	Request of the House Committee on Ways and Means	1380	September 1980 <sup>3</sup>

<sup>1</sup> September 1979 to 1980 in each issue.

<sup>2</sup> Submitted to the United States Trade Representative, May 19, 1980 (in confidence). The United States Trade Representative is to submit the report to the President as soon as the report is available. CBPC Publications 1370 and 1375. The report is available through

the Department of State, Office of the Secretary of State.

<sup>3</sup> Submitted to the United States Trade Representative, May 19, 1980 (in confidence).

<sup>4</sup> Submitted to the House Committee on Ways and Means.

## Under Trade Practices

Section 337 of the Tariff Act of 1930 describes unlawful unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale to the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States. It authorizes the Commission to investigate alleged violations of this section of the act. If the Commission determines that there is a violation of section 337, it has the power to issue an order excluding imports from entry into the United States and/or a cease and desist order, subject to disapproval by the President for policy reasons within 60 days of the Commission's issuance of its finding. There is a statutory time limit of 12 months (18 months for more complicated cases) in these investigations.

Under the Tariff Act of 1930, as amended by the Trade Act of 1974, section 337 cases under Commission investigation must be adjudicated in conformity with the formal rules and hear-

ing provisions of the Administrative Procedure Act (5 U.S.C. 551). The presiding officer, who in most cases is one of two Commission administrative law judges, conducts the hearing and renders a written recommended determination or decision, including findings of fact and conclusions of law on all contested issues, on the basis of the record in each case. In the performance of his or her adjudicative functions under the Administrative Procedure Act and consistent with the Commission's Rules of Practice and Procedure, the presiding officer holds prehearing conferences, issues subpoenas, rules on the evidence, and generally regulates the course of the hearing in accordance with the strict statutory time limits prescribed in section 337 proceedings. The Commission, after considering the presiding officer's recommended determination, based on the evidence on the record, then issues a remedy where the Commission finds violation and where such remedy would be in the public interest.

<sup>1</sup> 19 U.S.C. 1337.

Table 8.—Investigations under sec. 337 of the Tariff Act of 1930 pending on Sept. 30, 1980

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
337-73	Prohibition of an international communications code	Sec. 337(a)(1) of the Tariff Act of 1930	—	—
337-86	Quarterly operational reports providing certain information on current and future business	Request from the President	1312 1382	November 1979 February 1980
337-88	Annual and quarterly operational reports providing certain information on importable services	Request from the President (Presidential Proclamation 4212)	1312 1382 1370 1381	November 1979 March 1980 May 1980 August 1980
337-89	Report on consumption of acetone and acetone derivatives, in molasses	Public Law 96-555 and the Tariff Schedules of the United States	—	March 1980
337-97	Report on consumption of brook trout broods	Public Law 96-555 and Executive Order 11777	1382	March 1980
337-100	Quarterly and annual surveys of certain dairy, milk and large cream of milk products	Request from the President (Presidential Proclamation 4212)	1382 1382 1382 1370 1381	November 1979 February 1980 March 1980 May 1980 August 1980
337-108	Study of the fertilizer development	Action of the Commission	—	—
337-109	Study of the pharmaceutical industries in the countries of the northern portion of the Western Hemisphere	Request from the United States Trade Representative	—	—
337-111	Annual and semiannual surveys on domestic coating work of steel	Request from the President (Presidential Proclamation 4212)	—	(?)
337-112	Annual and quarterly operational reports providing certain information on oil or petroleum products and certain semiconductor products	Request from the President (Presidential Proclamation 4212)	1382 1382	August 1980 September 1980
79-10103-1, 79-10103-2, and 337-113	Outgoing economic effects of possible tariff reductions under section 106 of the Tariff Act of 1930 and designation of certain products as eligible products for purposes of the designated status of foreign goods	Request from the United States Trade Representative	—	—
337-114	Study of production techniques and product substitution within 2-5 in. square	Initiated by the Commission on its own motion	—	—
337-115	The effectiveness of access-control in promoting adjustment to an open economy	Initiated by the Commission on its own motion	—	—
337-116	Study of the effect of the engagement of the European Community on 2-5 trade	Initiated by the Commission on its own motion	—	—
337-117	Study of the operation of section 337 in trade agreements	Initiated by the Commission on its own motion	—	—

—Submitted to the United States Trade Representative Aug. 31, 1980 (in confidence)

Section 337 cases typically involve complex patent infringement and antitrust issues relating to alleged unfair acts or methods of competition incidental to the importation of articles into the United States or their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States. Final Commission deci-

sions in these cases, which adjust, modify, or reverse the presiding officer's recommended determinations, are subject to disapproval within 60 days by the President for policy reasons and are thereafter appealable to the U.S. Court of Customs and Patent Appeals.

During fiscal 1980, the Commission concluded 13 investigations under section 337, which are summarized in table 7. The 20 investigations pending on September 30, 1980, are summarized in table 8.



# BEST DOCUMENT AVAILABLE

Table 7.—Investigations completed under sec. 337 of the Tariff Act of 1930, fiscal year 1980

Article concerned	Complainant	Complaint filed	Date of publication of notice of hearing and fee	Public hearing	Finding and remedy of Commission	Date entry issued	USITC Subj. matter No.
Certain plastic barrel assemblies	Barrett Manufacturing Co., Farmington, Conn.	9-28-77	9-11-77 (77-79-28)	—	Summary <sup>1</sup> no violation	9-28-78	—
Certain assemblies for the continued production of water-aid	Southco. Co., Warrenton, Ore.	9-11-78	9-28-78 (77-79-22)	9-28-78	Violation, cease and desist order <sup>2</sup>	11-28-78	1977
Certain egg machine containers	Eastern Industrial, Inc., Baltimore, Md.	9-28-78 (80-8-78) amendment <sup>3</sup>	11-9-78 (77-79-28)	10-12-78	Violation, cease order <sup>2</sup>	11-9-78	1978
Certain electronic control systems	Contra-Tec Co., Beverly Hills, Calif.	11-18-78 (80-8-78) and (80-8-78) amendment <sup>3</sup>	12-12-78 (77-79-28)	10-25-78	Violation, no remedy <sup>2</sup>	12-12-78	1980
Certain camera systems with a processor	Eastman Kodak, Rochester, N.Y.	11-28-78	12-12-78 (77-79-28)	—	Summary <sup>1</sup> no violation <sup>2</sup>	12-21-78	1980
Certain video imaging units	Thompson Sub. Co., Inc., Riverside, Calif.	12-9-78 (80-8-78) and (80-8-78) amendment <sup>3</sup>	1-18-79 (77-79-28)	—	Violation, cease order <sup>2</sup>	1-18-80	1977
Certain precision metal dies	Orteng Manufacturing Co., Beverly, Pa.	12-12-78	1-17-79 (77-79-28)	—	Summary <sup>1</sup> .....	9-9-80	—
Certain precision metal dies	Quincy Precision Co. c/o Metro Research Inc., Fairfax	9-28-78 (80-8-78) amendment <sup>3</sup>	9-1-78 (77-79-28)	—	Summary <sup>1</sup> .....	9-9-80	—
Certain plastic fitting assemblies and components thereof	T. F. Cutler & Co., Baltimore, Md.	9-9-78 (80-8-78) amendment <sup>3</sup>	9-19-78 (77-79-28)	—	Summary <sup>1</sup> .....	9-19-80	1980
Certain sundry device	Devinco Sub. Co., San Francisco, Calif.	9-17-78 (80-8-78) amendment <sup>3</sup>	1-9-79 (77-79-28)	9-7-80	Violation, cease order <sup>2</sup>	9-7-80	1980
Certain auto lamp rings	International Corp. Lamp Manufacturing Co., Borden Creek, Calif.	9-9-78 (80-8-78) amendment <sup>3</sup>	1-18-79 (77-79-28)	—	Summary <sup>1</sup> .....	9-19-80	—
Certain plastic fitting having components and or having thereof	Contra-Tec Co., Beverly Hills, Calif.	1-18-79	9-21-78 (77-79-28)	—	Summary <sup>1</sup> no violation	9-21-80	1978
Certain... components and assemblies for charging and components thereof	Remco, Inc., San Francisco, Calif.	12-1-78 (80-8-78) amendment <sup>3</sup>	12-12-78 (77-79-28)	—	—	—	—

<sup>1</sup> Violation against Ford, Ford, Ford and Ford International, no violation against Western Electric Co., Western Electric & Ford, Ford Co., and Ford, Ford Co.

<sup>2</sup> The President took to action decision order hearing trip on Jan. 9, 1980.

<sup>3</sup> Amendment submitted that the administrative system group was in violation of sec. 337 of the Tariff Act and the decision of 9-9-80.

<sup>4</sup> The President took to action decision order agreement trip Feb. 12, 1980.

<sup>5</sup> The President took to action decision order hearing trip on May 11, 1980.

<sup>6</sup> The administrative order was issued to the authority determined to be by the Commission on May 11, 1979, submitted to investigation, Feb. 27-79-28 and 27-79-28.

<sup>7</sup> Summary agreement.

<sup>8</sup> The President took to action decision order hearing trip on May 11, 1980.

<sup>9</sup> Notice of investigation was filed under complaint agreement.

## Litigation Arising From Investigations Conducted Under Section 337

On January 12, 1979, Richard L. Stevenson, complainant in investigation No. 337-TA-37 (Certain Standards and Platforms Thereof), appeared to the U.S. Court of Customs and

Patent Appeals the Commission's determination that there was no violation of section 337 in the importation or sale of certain electronic boards in the United States. The Commission had found that the patent at issue in the investigation was invalid. On December 20, 1979, the court reversed the Commission's determination





of no violation and remanded the case to the Commission for action consistent with its opinion. (*Stevenson v. U.S. International Trade Commission et al.*, Appeal No. 79-12.) At the close of the fiscal year, the remanded investigation was pending before the Commission.

On April 18, 1979, Hale Fire Pump Co., a complainant in investigation No. 337-TA-43 (Certain Centrifugal Trash Pumps), appealed the Commission's determination that a patent in issue had not been infringed and that there was no violation of section 337. On February 7, 1980, the Court of Customs and Patent Appeals affirmed the Commission's determination of no violation. (*Hale Fire Pump Co. v. U.S. International Trade Commission et al.*, Appeal No. 79-21.)

On May 10, 1979, Refracterios Monterrey S.A., a respondent in investigation No. 337-TA-41 (Certain Ceramic Tile Setters), appealed to the Court of Customs and Patent Appeals the Commission's refusal to review a Commission administrative law judge's order that certain evidentiary matters should remain confidential under a protective order. Both the Commission and Ferro Corp., complainant in the Commission's investigation, moved to dismiss the appeal for lack of subject matter jurisdiction. That motion was granted by the court on October 11, 1979. (*Refracterios Monterrey S.A. v. U.S. International Trade Commission and Ferro Corporation*, Appeal No. 79-22.) On January 8, 1980, Refracterios Monterrey S.A. petitioned the U.S. Supreme Court to review the Court of Customs and Patent Appeals' decision. That petition was denied by the Supreme Court on March 24, 1980.

Astra-Suico, AB, Medline Industries, and Caring International Division of Medline Industries appealed from the adverse determination and order of the Commission in investigation No. 337-TA-58 (Certain Thermometer Sheath Packages), issued July 25, 1979. On August 29, 1980, the Court of Customs and Patent Appeals affirmed the Commission's finding of a violation of section 337. (*Astra-Suico, AB, et al. v. U.S. International Trade Commission and Steri-Dyne Corporation*, Appeal No. 80-3.)

On August 27, 1979, Sealed Air Corp., complainant in investigation No. 337-TA-54 (Cer-

tain Multicellular Plastic Film), appealed to the Court of Customs and Patent Appeals the Commission's determination that respondent Tong See Industrial Co., Ltd., a foreign manufacturer and exporter of multicellular plastic film, was not in violation of section 337. The Commission had found that the process used by Tong See to manufacture multicellular plastic film abroad would not, if practiced in the United States, infringe complainant's process patent. (*Sealed Air Corp. v. U.S. International Trade Commission et al.*, Appeal No. 79-35.) On October 26, 1979, Unipak (H.K.) Ltd., a foreign manufacturer and exporter of multicellular plastic film and a respondent in investigation No. 337-TA-54, appealed to the Court of Customs and Patent Appeals the Commission's determination that it was in violation of section 337. (*Unipak (H.K.) Ltd. v. U.S. International Trade Commission et al.*, Appeal No. 80-4.) Unipak's appeal was subsequently limited by the court to the issue of whether that firm was subject to the jurisdiction of the U.S. International Trade Commission. At the close of the fiscal year, both appeals were pending before the court.

On December 31, 1979, Aladdin Industries, Inc., complainant in investigation No. 337-TA-59 (Pump Top Insulated Containers), appealed to the Court of Customs and Patent Appeals the Commission's finding that there was no violation of section 337 in the importation and sale of certain pump top insulated containers that allegedly copied Aladdin's trade dress. The Commission did find a violation of section 337 by reason of the importation and sale of pump top insulated containers that infringed a valid U.S. patent owned by Aladdin. On June 4, 1980, the court dismissed Aladdin's appeal in response to a motion to dismiss filed by that firm. (*Aladdin Industries, Inc. v. U.S. International Trade Commission*, Appeal No. 80-12.)

On November 6, 1979, FMC Corp. filed a petition for a writ of mandamus and a writ of prohibition with the Court of Customs and Patent Appeals. FMC's petition requested that the Commission be prohibited from serving copies of a notice of investigation naming 44 of FMC's customers as respondents in connection with a section 337 proceeding arising from a com-

plaint filed with the Commission by Hennessy Industries, Inc. The court, having temporarily restrained service of the notice pending its decision on FMC's petition, denied the petition on February 14, 1980 (*FMC Corp. v. U.S. International Trade Commission*, Appeal No. 80-6.)

Landis Tool Division of Litton Industrial Products, Inc., filed a petition for a writ of mandamus with the Court of Customs and Patent Appeals on December 28, 1979. Landis' petition alleged that the Commission, by denying Landis the opportunity to rebut evidence submitted by the respondents in connection with the public-interest phase of investigation No. 337-TA-60 (Certain Automatic Oregon Grinders), had violated Landis' right of due process. The court denied Landis' petition on February 14, 1980 (*Landis Tool Division of Litton Industrial Products, Inc. v. U.S. International Trade Commission et al.*, Appeal No. 80-10.)

On January 21, 1980, Syntex Agribusiness, Inc., filed a petition for a writ of mandamus with the Court of Customs and Patent Appeals. The petition, which alleged that the Commission had abused its discretion by not instituting an investigation pursuant to section 337 on the basis of a complaint filed by Syntex, requested the court to direct the Commission to commence an investigation. The petition was denied by the court on April 1, 1980. On February 24, 1980, Syntex also filed an appeal with the court pursuant to section 337(c) raising essentially the same issues as were in the petition. That appeal was dismissed by the court on July 31, 1980 (*Syntex Agribusiness, Inc. v. U.S. International Trade Commission et al.*, Appeal No. 80-13.)

On May 9, 1979, Southwire Co., the complainant in investigation No. 337-TA-52 (Certain Apparatus for the Continuous Production of Copper Rod), filed an appeal in the Court of Customs and Patent Appeals seeking review of the Commission's decision to grant the motion of respondents American Telephone & Telegraph Co., Western Electric Co., Inc., and Nevada Recycle Corp. (collectively "Bell") for summary judgment. In granting that motion, the Commission had determined that as a matter of law Southwire had licensed its U.S. Letters Patents 3,317,894, 3,672,430, and 3,710,423 to

Bell, and therefore there could be no section 337 violation in connection with Bell's use of those patents (Appeal No. 79-25). On August 18, 1979, Southwire filed a second appeal, seeking review of the Commission's decision to grant Bell's motion for summary judgment. In granting that motion, the Commission had determined that as a matter of law Southwire had licensed its U.S. Letters Patent 4,129,170 to Bell, and therefore there could be no violation of section 337 by Bell with respect to that patent (Appeal No. 79-31). On September 11, 1980, the court affirmed the Commission's determination in both cases.

On December 28, 1979, Krupp International, Inc., and Fried. Krupp GmbH ("Krupp"), respondents in investigation No. 337-TA-52, filed a petition for a writ of mandamus with the Court of Customs and Patent Appeals. Krupp asked that the court order the Commission to issue an advisory opinion regarding the case and deced orders issued against Krupp as a result of the final Commission determination in the investigation. On March 5, 1980, the court dismissed Krupp's petition (Appeal No. 80-11).

Several other appeals regarding the final determination of the Commission in investigation No. 337-TA-52 were also filed. On January 22, 1980, American Telephone & Telegraph Co., Western Electric Co., and Nevada Recycle Corp. filed an appeal with the Court of Customs and Patent Appeals regarding the Commission's determination that U.S. Letters Patent 4,129,170 was valid (Appeal No. 80-14). Krupp filed a separate appeal regarding the same patent on the same day (Appeal No. 80-15). The court dismissed both appeals on March 26, 1980, on the ground that none of the appellants had been adversely affected by the Commission's determination concerning the patent in question.

On February 19, 1980, Krupp appealed from those portions of the Commission's final determination that it had not previously challenged in Appeal No. 80-15 (Appeal No. 80-19). On February 26, 1980, Southwire Co. cross-appealed those aspects of the Commission's decision as to which no section 337 violation was found (Appeal No. 80-21). Both appeals were pending at the end of the fiscal year.

Krupp and Ball also filed appeals asserting that the Commission issued erroneous findings with respect to the patents and trademarks at issue in Southwire's cross-appeal (Appeals Nos. 80-23 and 80-26). On June 4, 1980, the Court of Customs and Patent Appeals dismissed those appeals on the ground that Krupp and Ball had not shown that they were adversely affected by those parts of the determination they were appealing.

On April 28, 1980, the Commission decided to institute an advisory opinion proceeding regarding the cease and desist orders issued in investigation No. 337-TA-52. On May 29, 1980, Southwire filed an appeal (Appeal No. 80-30) challenging the Commission's right to conduct such a proceeding and asking that the Court of Customs and Patent Appeals order the Commission to reopen the investigation. Southwire withdrew that appeal on September 3, 1980.

In connection with Commission investigation No. 337-TA-69 (Carnan Airflight Carabin Straps), respondent Oriental Ringworld Industrial Co., on March 28, 1980, filed a petition in the Court of Customs and Patent Appeals for a writ of mandamus to dismiss the investigation for lack of jurisdiction (Appeal No. 80-36). Subsequent to filing that petition, Oriental Ringworld reached a settlement agreement and was terminated as a party respondent in the investigation. On September 18, 1980, Appeal No. 80-36 was dismissed by the court.

The Commission also filed briefs in two Federal district court actions involving requests for injunctions that would have had the effect of preventing the filing of a section 337 complaint or of staying an ongoing section 337 investigation. In *Frederick Carl Products v. Energy Harvester Corp.*, Civil Action No. 80-013 (D.R.I.) the plaintiffs sought a temporary restraining order that would have prevented Energy Harvester from filing a complaint with the Commission pursuant to section 337. On June 6, 1980, the Commission filed a brief as an amicus curiae in that case, requesting that the court not issue the requested order. On July 21, 1980, Frederick withdrew its application for the temporary restraining order.

On September 3, 1980, the Commission argued in the U.S. District Court for the Cen-

tral District of California that an injunction should not issue in *Corda-Jose Corp. v. Toruma America, Inc.*, Civil Action No. 79-3713-MPG. Toruma had sought an injunction which would have prevented complainant Corda-Jose from proceeding in Commission investigation No. 337-TA-81 (Carnan Helium Fiber Artificial Kidneys). After hearing oral argument, the court refused to grant the requested injunction.

## ANTI-DUMPING INVESTIGATIONS

### Antidumping Act, 1921

#### Provisions of the Antidumping Act

Section 315(a)<sup>1</sup> of the Antidumping Act, 1921, provides that whenever the Secretary of the Treasury ascertains that a trade in kind of foreign merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, the Commission shall determine within 9 months whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise at the contribution of its manufacturer. The Commission notifies the Secretary of the Treasury of its determination. If the Commission determines in the affirmative, the Secretary of the Treasury issues a finding of dumping, and the domestic industry becomes entitled to special dumping duties.

The Antidumping Act was repealed, effective January 1, 1980, by the Trade Agreements Act of 1979. The 1979 act established new anti-dumping provisions, which are set forth in title VII of the Tariff Act of 1930. The new provisions became effective January 1, 1980. All investigations underway as of that date were terminated and reconstituted under the new provisions.

The Commission completed 12 antidumping investigations and 1 inquiry during fiscal year 1980 under the provisions of the Antidumping Act. In investigation No. AD1921-139 (Tantalum Electrolytic Fixed Capacitors From Japan), a 1979 Commission determination under the act was remanded by the U.S. Customs Court on March 27, 1980. The Commission found in the negative on August 6, 1980, following reconsideration of its earlier determination. Commis-

<sup>1</sup> 42 USC 1815(a).

the negative, and Commissioners Moore and Sedell voted in the affirmative. The Commissioner's determination was sent to the Customs Court on August 25, 1980. The remainder of the completed investigations are summarized in table 5.

The inquiry, No. AH1521 (Inv.-29) (Coke From West Germany), resulted in a Commission finding of no reasonable indication of injury from such imports. The unanimous finding by Commissioners Parker, Alberger, Moore, Sedell, and Stern was forwarded to the Secretary of the Treasury on November 18, 1979.

Litigation arising from investigations conducted under the Antidumping Act—the noted in the Commissioner's annual reports for 1978 and 1979, in a complaint filed with the U.S. Customs Court during 1973, *Burder Brokerage Co., Inc.*, asserted that the injury determination of the Commissioner in investigation No. AH1521-39 (Carbon Steel Bars and Shapes From Canada) was invalid. On October 11, 1979, the court dismissed the action. Plaintiff appealed the dismissal to the U.S. Court of Customs and Patent Appeals, and oral argument on the appeal was pending at the close of the fiscal year.

Another case which was noted in the annual reports for 1978 and 1979 was the challenge to the Commissioner's injury determination in investigation No. AH1521-82 (Elemental Sulfur From Mexico). *Pasco Terminals, Inc.*, appealed the Customs Court's dismissal of the action to the Court of Customs and Patent Appeals, and oral argument on the appeal was pending at the close of the fiscal year.

The 1977, 1978, and 1979 annual reports contained references to the complaints of *Armstrong Bros. Tool Co. et al.*, filed with the Customs Court on September 26, 1977. Those complaints asserted, inter alia, that the negative determinations of the Commissioner in investigations Nos. AH1521-141 (Wrenches, Flare, Screwdrivers, and Metal-Cutting Tools and Shears From Japan) and AH1521-143 (Chisels, Punches, Hammers, Sledge, Vices, C-Clamps, and Battery Terminal Lifters From Japan) were invalid.

On January 29, 1980, the Customs Court affirmed the Commissioner's negative determination in investigations Nos. AH1521-141 (*Armstrong Bros. Tool Co. et al. v. United States*, Court No. 77-2-02293), and on March 27, 1980, the court

Table 5.—Antidumping investigations completed under the Antidumping Act, 1921, fiscal year 1980

Investigation No.	Article concerned	Investigation status				Commissioner's report	
		Work received from producers	Public hearing	Findings of dumping and injury	Appeal filed	Noted in annual report	To Secretary of Treasury
AH1521-271, 272, and 273	Various grades from Belgium (Inv.-271) and from Sweden (Inv.-272 and 273) for the purpose of determining injury to the domestic industry of Germany.	8-1-79	9-21-79 9-25-79	Accepted	Filed	Through Board Customs Court	11-25-79
AH1521-274	Carbon steels and alloys from the United Kingdom.	8-1-79	10-12-79	Accepted	—	Through Board Customs Court	11-12-79
AH1521-275	Carbon steels from Canada.	10-1-79	11-27-79	Accepted	—	Through Board Customs Court	11-21-79
AH1521-276 and AH1521-277	Steel sheets and coil from Japan and Italy.	10-25-79 11-27-79	1-26-80	—	—	—	—
AH1521-278	Steel from Canada.	11-2-79	11-15-79	—	—	—	—

Notes: Investigations are reported under the investigation No. AH1521-271 and AH1521-272, on 8-1-79; the status of the investigation is reported under the investigation No. AH1521-273, on 9-21-79; and the status of the investigation is reported under the investigation No. AH1521-274, on 10-12-79.

Notes: Investigation is a separate case in the investigation No. AH1521-271, on 8-1-79; the status of the investigation is reported under the investigation No. AH1521-272, on 9-21-79; and the status of the investigation is reported under the investigation No. AH1521-273, on 10-12-79.



affirmed the Commissioner's negative determination in investigation No. A415071-143 (*Armstrong Bros. Tool Co. et al. v. United States*, Court No. 77-8-02094). The decisions in both cases were appealed to the Court of Customs and Patent Appeals. On August 7, 1980, the court affirmed the Customs Court's decision upholding the Commissioner's determination in investigation No. A415071-141 (*Armstrong Bros. Tool Co. et al. v. United States*, Appeal No. 80-20). The appeal of the court's decision upholding the Commissioner's determination in investigation No. A415071-143 was dismissed as improvident<sup>1</sup> on August 13, 1980 (*Armstrong Bros. Tool Co. et al. v. United States*, Appeal No. 80-20).

On the same date that the *Armstrong* complaints were filed, *Sanyo Electric Co.* filed a complaint with the Customs Court challenging the Commissioner's negative determination in investigation No. A415071-158 (*Tamatum Electrolytic Fixed Capacitors From Japan*). On March 27, 1980, the court remanded the case to the Commission for the taking of a new vote in light of corrected import statistics. On May 20, 1980, the court modified its earlier directive by ordering the Commission to consider in its deliberations the plans of one Japanese manufacturer to increase productive capacity for, and exportation to the United States of, a particular type of tamatum electrolytic fixed capacitor. On August 6, 1980, the Commission, by a 3-to-2 vote, again made a negative determination. At the close of the fiscal year, that determination was before the Customs Court.

In 1979, the Commission determined under the Antidumping Act, 1921, that an industry in the United States is not being or likely to be injured, or prevented from being established, by reason of sales of portable electric typewriters in the United States at less than fair value. The determination in investigation No. A415071-145 (*Portable Electric Typewriters From Japan*) was appealed. The issue involved is whether the Commission correctly interpreted the term "injury" as it appears in the Antidumping Act, 1921, in making its negative injury determination. A motion to dismiss on the ground that the appeal is moot following the affirmative determination in the 1980 investiga-

tion on electric typewriters was denied. The case was pending before the Customs Court at the end of the fiscal year. (*SCM Corp. v. United States*, Court No. 79-4-00553.)

#### Title VII of the Tariff Act of 1930

##### Provisions of title VII

In general, upon the filing of a petition with the Department of Commerce, the Commission conducts a preliminary investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports, grossly overvalued or likely to be sold at less than fair value.

The Commission, after an affirmative determination by the Department of Commerce, conducts a final investigation to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports and if injury is to be sold at less than fair value.

Preliminary investigations must be completed within 60 days of the filing of the petition. Final investigations must be completed within 120 days after an affirmative preliminary Commerce determination or 60 days after an affirmative final Commerce determination, whichever occurs later, or within 75 days after an affirmative final Commerce determination provided to a negative preliminary Commerce determination.

If the Commission's determination in the preliminary investigation is affirmative, Commerce continues its investigation and makes a finding of whether imports are being sold or are likely to be sold at less than fair value. If the Commission's determination is negative, Commerce declines its investigation.

If the Commission's determination in the final investigation is affirmative, Commerce issues an order under which a dumping duty is imposed on the gross cost of less than fair value. If the Commission's determination is negative, no such order is issued and no dumping duty is collectible.

During fiscal 1980, the Commission completed 29 antidumping investigations under title VII of the Tariff Act of 1930. These are summarized in table 13. Such investigations pending as of September 30, 1980, are shown in table 14.

Two investigations instituted by the Commission during the fiscal year were subsequently terminated and remitted to reflect the repeal of the Antidumping Act, 1921, and its replacement by title VII of the Tariff Act of 1930 in investigation No. 751-78.1 (formerly No. A415071-14774) concerned electric gift caps from Poland.

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Table 13.—Antidumping investigations completed under title VII of the Tariff Act of 1930, fiscal year 1980

Investigation No.	Article concerned	Preliminary investigation				Final investigation				USITC Publication No.
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is no reasonable indication (of injury)" (Commerce determines no investigation)	Finding that "there is a reasonable indication (of injury)" (Commerce continues its investigation)	Not per-fusing	(d) Review received (e) Hearing (f) Report to Secretary of Commerce	Affirmative	Negative	Not per-fusing	
151-154.1 and 151-154.2	Steel screws sent from Japan and Italy	—	—	—	—	(d) 1-1-80 (e) 1-22-80 (f) 3-9-80	Rebuttal challenge Rebuttal Challenge	—	—	1586
151-154.3	Sugars and syrups from Canada	—	—	—	—	(d) 1-1-80 (e) 2-10-80 (f) 3-9-80	challenge Rebuttal Rebuttal Challenge	—	Rebuttal	1587
151-154.4	Countertop microwave ovens from Japan	(a) 1-1-80 (b) 1-28-80 (c) 2-11-80	—	Rebuttal challenge Rebuttal Challenge	—	—	—	—	—	1588
151-154.5 and 151-154.6	Refrigerators sent and parts thereof intended for use as original equipment in the United States from Italy and Japan	(a) 1-1-80 (b) 1-28-80 (c) 2-11-80	Rebuttal challenge Rebuttal Challenge	—	—	—	—	—	—	1589
151-154.7	Carbon electrocatalysts from Japan	(a) 1-1-80 (b) 1-28-80 (c) 2-11-80	—	Rebuttal challenge Rebuttal Challenge	Challenge	—	—	—	—	1590
151-154.8 through 151-154.11	Refrigerator compressors, in addition to parts thereof, from the Federal Republic of Germany, France, Italy, and the United Kingdom	(a) 1-1-80 (b) 1-28-80 (c) 2-11-80	Rebuttal challenge Rebuttal Challenge	—	—	—	—	—	—	1591
151-154.12	Portable electric lawnmowers from Japan	—	—	—	—	(d) 1-1-80 (e) 3-10-80 (f) 4-22-80	Rebuttal challenge Rebuttal Challenge	—	—	1592
151-154.13 and 151-154.14	Machinery in original form from Australia and Italy	—	—	—	—	(d) 1-1-80 (e) 3-11-80 (f) 4-23-80	—	Rebuttal challenge Rebuttal Challenge	—	1593
151-154.15	Paper and tubes of iron or steel from Japan	(a) 1-28-80 (b) 1-28-80 (c) 3-19-80	challenge Rebuttal Rebuttal Challenge	Challenge	—	—	—	—	—	1594
151-154.16	Machinery in original form from the Netherlands	(a) 1-1-80 (b) 3-11-80	—	—	—	—	—	—	—	(7)

See footnote at end of table

Table 12.—Antidumping investigations completed under title VII of the Tariff Act of 1930, fiscal year 1965—Continued

Investigation No.	Article concerned	Fairness investigation				Trade investigation				USITC Publication No.
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is no reasonable indication of injury" (Commerce determined no investigation)	Finding that "there is a reasonable indication of injury" (Commerce conducted an investigation)	Not participating	(a) Petition received (b) Hearing (c) Report to Secretary of Commerce	Alternative	Negative	Not participating	
75-74-17	Clays in weight containers from Canada	(a) 5-5-65 (b) 5-25-65 (c) 5-19-65	Rebuttal charges shown Rebuttal charges shown	—	—	—	—	—	—	1585
75-74-18	Carbon steel products from Belgium	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	—	—	—	—	—	1586
75-74-19	Carbon steel products from the Federal Republic of Germany	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	Rebuttal charges <sup>1</sup> Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	—	—	—	—	—	1587
75-74-20	Carbon steel products from France	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	Rebuttal charges <sup>1</sup> Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	—	—	—	—	—	1588
75-74-21	Carbon steel products from Italy <sup>12</sup>	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	—	—	—	—	—	1589
75-74-22	Carbon steel products from Luxembourg <sup>12</sup>	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	— Rebuttal charges Rebuttal charges Rebuttal charges Rebuttal charges	Rebuttal charges Rebuttal charges Rebuttal charges Rebuttal charges Rebuttal charges	—	—	—	—	—	1590
75-74-23	Carbon steel products from the Netherlands <sup>12</sup>	(a) 5-21-65 (b) 5-17-65 (c) 5-19-65 (d) 5-19-65 (e) 5-19-65	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10 Rebuttal charges <sup>1</sup> + 10	—	—	—	—	—	1591



[illegible]

<sup>a</sup> These investigations are related cases to the investigations Nos. 98-227-272 and 98-227-273. See also discussion.

© The investigator is a transition case in the investigation No. 92197-03 and is available.

<sup>(\*)</sup> Istituzione designata per partecipare o far parte di altre e avere un governo di amministratori di società di interesse.

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<sup>10</sup> கணமாயிரங்கள் போன்றவை நேர்த்தி, நேர்த்து, நார்த்தி போன்றவற்றிலிருந்து வந்தன. இவற்றைப் போன்றவை நேர்த்தி, நேர்த்து, நார்த்தி போன்றவற்றிலிருந்து வந்தன. இவற்றைப் போன்றவை நேர்த்தி, நேர்த்து, நார்த்தி போன்றவற்றிலிருந்து வந்தன.

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from the Department of Biology and a Gas Turbine Lab. The following meetings with the DOE staff:

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Table 11—Antidumping investigations under title VII of the Tariff Act of 1930 pending on Sept. 30, 1980

Investigation No.	Article concerned	Request received
<b>(1) New cases</b>		
751-TA-2 (Preliminary)	Asphalt roofing shingles from Canada	9-27-80
751-TA-3 (Preliminary)	Woolen yarn from East Germany	9-9-80
751-TA-5, 6, and 7 (Preliminary)	Various cottons and cotton-cotton blends from the Federal Republic of Germany and Luxembourg-cotton from Italy	9-9-80
751-TA-8 (Preliminary)	Various electric valves from Switzerland	9-10-80
<b>(2) New cases</b>		
751-TA-4 (Final)...	Courtenay diamonds from Czechoslovakia	7-13-80
751-TA-7 (Final)...	Certain electric motors from Japan	9-17-80
751-TA-26 (Final)...	Defoliated cotton merchandise from Taiwan	9-29-80

The Commission, consisting of Commissioners Biedel, Allberger, Moore, Stern, and Calhoun, made a unanimous negative determination and issued its report (USITC Publication 1308) on May 20, 1980.

Investigation No. 751-TA-2 (formerly No. AA1521-66A), on television receiving sets from Japan, was instituted as a review of a previous Commission determination at the request of the Sanyo Electric Co., Ltd., and Sanyo Electric, Inc. The Commission's determination was pending at the close of the fiscal year.

Litigation arising from antidumping investigations conducted under title VII—in a complaint filed with the Customs Court on March 24, 1980, the Budd Co., Railway Division, asserted that the Commission's failure to find a reasonable indication of material injury in investigations Nos. 751-TA-5 and 751-TA-6 (Rail Passenger Cars and Parts Thereof Intended for Use as Original Equipment in the United States From Italy and Japan) was invalid. (*The Budd Company, Railway Division v. United States*, Court No. 80-3-00505.) The complaint was pending court action at the close of the fiscal year.

In a complaint filed with the Customs Court on April 4, 1980, an attorney representing the interests of importers in a review investigation being conducted under section 751 of the Tar-

iff Act applied to the court for an order directing the Commission to disclose, under protective order, confidential business information submitted by domestic parties in the Commission's review investigation concerning Electric Golf Cars From Poland, investigation No. 751-TA-1 (formerly No. AA1521-147A). Plaintiff argued that section 777(c)(2) of the Tariff Act required such disclosure. The Commission defended on the grounds that an attorney representing importers seeking the revocation of an outstanding dumping finding was not a "petitioner," i.e., a domestic concern seeking antidumping relief, within the meaning of section 777(c)(2) of the act. On April 30, 1980, the court agreed with the Commission and ruled that the term "petitioner" had a precise legal meaning in title VII. Thus, the Commission was not directed to provide protective order access to confidential submissions in proceedings conducted under section 751 of the act. See, in re: *U.S. International Trade Commission Investigation No. AA1521-147A (Electric Golf Cars From Poland)*, C.D. 4854, Court No. 80-4-00580.

On August 13, 1980, in investigation No. 751-TA-26 (Final) (Certain Steel Wire Nails From Korea), the Commission determined that any injury suffered by the domestic steel wire nail industry was not the result of imports of steel wire nails from Korea at less than fair value. Compliments Armco, Inc., and OF & I Steel Corp. appealed to the Customs Court (Armco, Inc. v. United States, Court No. 80-5-01436) shortly before the close of the fiscal year.

*Asahi Chemical Industry Co., Ltd., et al. v. United States* (Court No. 80-5-00755) involves an appeal from a Commission determination in investigation No. 751-TA-1 (Preliminary) (Spun Acrylic Yarn From Japan) that an industry in the United States is being materially injured by reason of imports of spun acrylic yarn from Japan found by the Treasury Department to be sold or likely to be sold at less than fair value. Plaintiffs assert that the Commission determination is not supported by substantial evidence on the record. They claim, among other things, that the Commission failed to consider the bilateral United States-Japan textile agreement, should have considered data on a quarterly

basis, should not have aggregated imports from Japan and Italy, failed to separate injury caused by imports from Japan from injury by all imports, and improperly attributed U.S. plant closings and unemployment to imports from Japan. The Department of Justice, which represents the Commission and the Departments of Commerce and the Treasury in this action, denied plaintiffs' allegations.

On May 6, 1980, Atlantic Sugar, Ltd., and Redpath Sugars, Ltd., Canadian manufacturers and exporters of refined sugar, appealed to the Customs Court the Commission's affirmative determination in investigation No. 731-TA-9 (Final) (Sugars and Syrup From Canada). That appeal (*Atlantic Sugar, Ltd., et al v. United States*, Court No. 80-5-00754) was pending at the close of the fiscal year.

On April 9, 1980, the Commission determined in investigation No. 731-TA-15 (Preliminary) (Pipes and Tubes of Iron or Steel From Japan) that there was no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the importation from Japan of three of the four classes of pipes and tubes of iron or steel from Japan allegedly sold at less than fair value. This determination was challenged in a complaint filed in the Customs Court by Babcock & Wilcox Co., Beaver Falls, Pa., alleging that the Commission's preliminary determination was arbitrary, capricious, and otherwise not in accordance with the law (*Babcock & Wilcox Co. v. United States*, Court No. 80-5-00772). On June

16, 1980, the Commission reopened its determination with respect to the fourth class of pipe and tube and, on June 24, 1980, determined that an industry in the United States is not injured or threatened with material injury. Babcock & Wilcox Co. thereupon filed a second complaint, alleging that the reopened determination was arbitrary, capricious, and otherwise not in accordance with the law. Plaintiff moved for consolidation of the two actions, and the Commission did not oppose the motion. At the close of the fiscal year, the two actions had been consolidated, but no further action had occurred in the Customs Court.

Melanine Chemicals, Inc., appealed to the Customs Court from the Commission's determination in investigations Nos. 731-TA-13, 731-TA-14, and 731-TA-16 (Melanine in Crystal Form From Austria, Italy, and the Netherlands). In those investigations, the Commerce Department, after initially making a final determination of no sales at less than fair value, issued a second final determination that dumping margins were present on melanine imported from Austria, Italy, and the Netherlands. The Commission unanimously concluded that the dumping margins caused no injury to the domestic industry. On appeal, Melanine Chemicals argued that the Commission lacked sufficient evidence to conclude that the dumping margins did not result in material injury (*Melanine Chemicals, Inc. v. United States*, Court Nos. 80-5-00818, 80-5-00879, and 80-5-00880). The Commission filed an answer on August 2, 1980. The case was pending before the Customs Court at the close of the fiscal year.





tical assistance to the USITR in conducting the interagency executive branch review of certain reports which the Commission submits to the President.

#### Implementation of Tariff Concessions

Tariff concessions granted by the United States in trade agreements are implemented by Presidential proclamations which modify the Tariff Schedules of the United States (TSUS) accordingly. The tariff concessions made by the United States in the WTA and in certain bilateral agreements negotiated concurrently with the WTA were implemented by three proclamations. Work on these proclamations, which was begun in May 1979 by the Office of Executive Liaison and Special Advisor for Trade Agreements and the Office of Tariff Affairs, was completed in fiscal 1980. Signed by the President on December 11, 1979, the first of these proclamations, No. 4707, was by far the largest and most complex such proclamation ever issued. It provided for the implementation of most of the WTA concessions, which were contained in the Geneva (1978) Protocol to the General Agreement on Tariffs and Trade (GATT), and for the implementation of concessions contained in bilateral agreements with Hungary, Greece, Romania, and Taiwan. The second proclamation, signed by the President on January 4, 1980, and issued as Proclamation No. 4711, provided for implementation of concessions contained in agreements with Indonesia, Trinidad and Tobago, and countries forming the Cartagena Agreement. The third proclamation, which was also of major proportion and complexity, implemented the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (the Customs Valuation Code) and the tariff concessions contained in the Geneva (1978) Protocol which were tied to the effective date for the United States of the new standards for customs valuation established in the valuation code. Signed by the President on June 28, 1980, and issued as Proclamation No. 4768, it also carried out certain bilateral agreements with the European Community, Switzerland, and Indonesia.

#### Preparation for Residual Authority Negotiations

During the 2-year period following expiration of the basic tariff reduction authority delegated to the President in section 131 of the Trade Act of 1974 (i.e., January 3, 1980, through January 2, 1982), the President may, under provisions of section 134 of the 1974 act, enter into trade agreements for further duty reductions of up to 20 percent, so long as such reductions (1) do not result in rates lower than those that would have resulted if the full basic authority under section 131 had been used, and (2) the value of imports covered by new concessions in any 1-year period does not exceed 2 percent of the value of U.S. imports for the most recent 12-month period for which statistics are available.

Early in 1980, Commission staff began work to assist the USITR in identifying the items in the Tariff Schedules of the United States which would be subject to possible further duty reductions under the residual authority of section 134, and to select from the list of such items those which would be subsequently issued in a public notice, in conformity with section 131(a) of the Trade Act of 1974, as articles being considered for possible duty modification. The notice, listing 1,562 items, was published in the *Federal Register* on August 8, 1980, and submitted to the Commission with a request for advice on the probable economic effects of the tariff reductions authorized by section 134 on the domestic industries producing like or directly competitive articles and on consumers.

#### Generalized System of Preferences

The Trade Act of 1974 gave the President authority to establish a Generalized System of Preferences, under which eligible articles that are the product of designated beneficiary developing countries can be imported into the United States free of duty. Executive Order No. 11888 implemented the GSP effective January 1, 1976. The United States Trade Representative and the Secretary of State are jointly responsible for its administration. The Executive order has been modified several times to change the list of articles receiving GSP treat-



ment and the list of beneficiary countries. During fiscal year 1980, the Commission again provided technical assistance in the interagency review leading to these modifications, as well as assistance in preparation of the orders implementing the changes. The Commission provided its advice on 30 items as to the probable economic effects of the elimination of import duties under the GSP on U.S. industries producing like or directly competitive articles and on consumers. In addition, Commission personnel assisted in monitoring GSP imports and did the major part of the work entailed in application of the "competitive need" criteria set out in section 504 of the Trade Act. For the seventh executive branch review of the operation of the GSP, parts of which consisted of public hearings held by the Trade Policy Staff Committee (TPSC), the USITR was supplied technical data on U.S. production of and trade in more than 72 articles in which petitions had been submitted for a modification of their GSP status. Commission personnel were also instrumental in the preparation of the Executive orders which had to be issued concurrently with the three proclamations implementing tariff concessions in order to make simultaneous report of consequential changes in the GSP.

At the end of the fiscal year, the Commission was preparing advice on the probable economic effects of eliminating import duties under GSP on 383 items. The list was submitted to the Commission at the same time as the request for advice on the residual authority items. The Commission had also begun work in anticipation of a request expected from USITR early in fiscal 1981 for probable economic effects advice on an additional list of over 85 items.

#### **Legislation Approving the Customs Valuation Protocol**

The Trade Agreements Act of 1979 authorized the President to accept the GATT agreement relating to customs valuation, which had been submitted to the Congress in the spring of 1979. Subsequent to enactment of the Trade Agreements Act in July 1979, however, further negotiations proceeded in Geneva to resolve

remaining differences between developed and developing countries on certain elements in the agreement. These negotiations resulted, in November 1979, in a protocol integrating certain aspects of the valuation agreement, particularly as they applied to developing countries. Commission staff assisted USITR and congressional staff in preparing legislation to approve and implement the protocol and to make certain technical amendments to title I of the Trade Agreements Act of 1979, which is the part of that act dealing with the customs valuation agreement and related tariff concessions.

#### **Assistance in Miscellaneous Trade Agreements Activities**

The Commission regularly provides technical assistance to USITR in the day-to-day operation of many areas of the trade agreements program, including the activities related to the implementation and operation of the various GATT agreements on nontariff measures. A Commission staff member chairs an interagency Technical Group under the TPSC Aircraft Subcommittee, which handles matters under the Agreement on Trade in Civil Aircraft, and acts as the U.S. spokesman at Geneva meetings of the Technical Subcommittee of the Aircraft Committee, which is composed of representatives of signatories to the aircraft agreement. Staff members participate in bilateral consultations on particular trade issues, such as compensation for U.S. import relief actions, operation of the United States-Canadian automobile agreement, and interpretation of U.S. procedures under the Antidumping and Subsidies Codes. Commission staff also participate in Geneva meetings of the committees established under these codes.

In the summer of 1980 the GATT Council approved a proposal developed in the GATT Committee on Tariffs to establish a three-tier system as a basis for keeping an up-to-date version of each country's schedule of tariff concessions under the GATT. The Commission began the preparation of the three-tier version of schedule 99 (the U.S. schedule of GATT concessions) in 1980 and expects to finish the project in mid 1981.

The Commission continued to supply the GATT Secretariat in Geneva with compilations of data on U.S. imports, tariffs, and trade-agreement obligations. Most of this was part of a continuing compilation of trade and tariff information to provide basic data for the various activities under the GATT. Since virtually all international tariff and trade work is conducted in terms of the product classifications of the Customs Cooperation Council Nomenclature (CCCN), the Commission regularly provides the GATT Secretariat with information on the concordance between the TSLR and the CCCN. This concordance is continuously being updated at the Commission.

## Executive Branch Review of Commission Reports

Many of the reports which the Commission submits to the President under various statutes, such as section 301 of the Trade Act of 1974, involve matters on which action by the President would affect trade-agreement obligations of the United States. Executive branch review of these reports for the purpose of formulating executive branch recommendations to the President is usually centered in the Office of the United States Trade Representative. The Commission provides technical assistance in the review process, including such supplemental information as may be required.

## UNIFORM STATISTICAL DATA ON IMPORTS, EXPORTS, AND PRODUCTION

### Activities Under Section 303(a) of the Trade Act of 1974

Section 303(a) of the Trade Act of 1974 and Public Law 95-118 amended section 303(a) of the Trade Act of 1970 by providing for comparability of U.S. import, production, and export data as follows:

in carrying out...the Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission are authorized and directed to establish such time to time as

national sources on production of articles of such kind as in their judgment may be necessary, comprehensive and merchandise imported into the United States and exported from the United States, and shall seek, in consultation with statistical agencies for gathering international harmonization of trade statistics, to establish the comparability, derived with such modification of articles, of import, export and export destination data, volume of trade of certain forms of accurate statement regarding, in terms of such statistical harmonization, the value and quantities of all merchandise imported and exported and the value of the total quantity of each one of article.

During fiscal year 1980, the Committee for Statistical Harmonization of Tariff Schedules, which is made up of delegates of the Secretary of the Treasury and the Secretary of Commerce and which is chaired by a delegate of the Commission, considered 20 requests for statistical provisions to the Tariff Schedules of the United States Annotated (TSLR) and 40 requests for modifications to Schedule B in order to improve the comparability of U.S. import and export data and for other reasons. As a result of these requests, the Committee created 30 new TSLR items and provided 145 new Schedule B items.

## Harmonized Commodity Code

Pursuant to section 303(c) of the Trade Act of 1974, in fiscal year 1975 the Commission undertook an investigation under section 303(d) of the Trade Act of 1970 which would provide the basis for—

all and member countries to the United States International Trade Commission in the United States contribution to activities of the Harmonized System Committee under the Customs Co-operation Council to secure the designation of the name of the United States business community, to the designation of a Harmonized Code affecting such products of countries, identification and classification and modern production methods and other matters.

Since the institution of this investigation in January 1975, the Commission has prepared comments on 77 chapters of the Harmonized Code. During fiscal year 1980, the Commission prepared comments on 27 chapters and did preliminary work on 23 chapters. Commission representatives have participated as members of the U.S. delegation to the Harmonized System



Committee at all sessions of the Committee since the institution of this investigation, including three sessions during fiscal 1980. Commission representatives have also participated in technical bilateral consultations with European Community (EC) representatives with a view to developing compromise proposals with the EC. These consultations have enabled the United States to gain acceptance of its proposals in the Harmonized System Committee meetings and have been instrumental in enabling the Committee to adhere to its schedule of completion of the system.

#### REPRESENTATION OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

The *Tariff Schedules of the United States Annotated* is published periodically by the Commission. It contains the classifications used for reporting import data by commodities and by supplying countries. The schedules comprise some 11,000 commodity classifications for which import statistics are collected. It also provides through the TRLUR is published to reflect the effects of legislation, Presidential proclamations and Executive orders, and other modifications of the schedules.

During fiscal 1980 the Commission published the 19th (1980) edition of the TRLUR reflecting the major changes to the tariff schedules implemented during the Administration Trade Negotiations. These amendments to the 1980 edition were issued during fiscal 1980.

#### ANNUAL REPORTS ON COMMODITIES

##### Synthetic Organic Chemicals

The Commission has regularly provided annual and quarterly reports on synthetic organic chemicals, plastic materials, medicinal chemicals, pesticides, and other important commodities. The annual reports have been published since 1973. The quarterly publications are being compiled from statistics of commodities of synthetic organic chemicals issued during fiscal 1980.

Government uses of these data reportedly include monitoring of toxic substances by the Environmental Protection Agency and the National Institute for Occupational Safety and Health, trade adjustment assistance by the Department of Labor, planning and investigations by the Food and Drug Administration, trade negotiations by the Office of the United States Trade Representative, mobilization studies by the Department of Commerce, assurance of petrochemical feedstock supplies by the Department of Energy, and monitoring of the economy (particularly the chemical industry) by the Council on Wage and Price Stability. The business community, including industry, consultants, and financial analysts, also reportedly uses these data extensively.

**Annual reports.**—The ECA annual report on U.S. production and sales of synthetic organic chemicals, covering calendar year 1979, was released by the Commission on October 26, 1979.<sup>1</sup> Also during fiscal year 1980, the Commission prepared the ECA annual report, covering calendar year 1979. Fifteen groups of chemicals were included:

- Acrylic resins
- Alkyd resins from petroleum and natural gas to standard composition
- Epoxy resins
- Fluor
- Organic elements
- Monomers
- Plastic and synthetic materials
- Plastic and resin materials
- Sulfur processing materials
- Structural synthetic resins
- Phenolics
- Surface active agents
- Substances and related products
- Thermoplastics and resins materials and related products
- Thermoplastic resins and related materials

Approximately 750 manufacturers report data to the Commission on some 6,000 chemical products. These data form the basis for the annual report. Also included in the annual report is a directory of manufacturers for each of the named chemicals and chemical products. The data for another annual Commission publication, *Report on Synthetic Chemicals and*

<sup>1</sup> Synthetic Organic Chemicals, Annual Data Publication for Year 1979, ECA Publication 100-100.

*Products.* are obtained by analyzing invoices covering most of the general imports of benzoid chemicals.

*Monthly reports.*—The monthly production reports (Series C/P) add timeliness to the Commission's statistics. A report, containing production data for 31 selected synthetic organic chemicals, plastics and resins, and other trend-setting indicator materials, is issued for each month at a date approximately 6 weeks after the month covered by the report.

## Annual and Quarterly Reports on Commodities—Quantitative Determinations

As required by statute, Executive order, or Presidential proclamation, the Commission continued to submit annual and quarterly reports during fiscal year 1980 on several commodities.

Annual reports were submitted on U.S. consumption of watch movements<sup>1</sup> and brooms.<sup>2</sup>

In 1976, after receiving the Commission's report on stainless steel and alloy tool steel (investigation No. TA-201-8), the President imposed quantitative restrictions on stainless steel and alloy tool steel for a period of 3 years and implemented a monitoring program administered by the Commission.<sup>3</sup> The quotas, which were due to expire on June 13, 1979, were extended to February 13, 1980.<sup>4</sup> In fiscal year 1980, the Commission issued two quarterly reports<sup>5</sup> covering U.S. producers' production, shipments, employment, man-hours, and prices. Two annual reports<sup>6</sup> were also issued during the year. One covered U.S. importers' prices, unshipped orders, and inventories; the other covered U.S. producers' profit, unshipped orders, inventories, capacity, capital expendi-

tures, and research and development expenditures.

In conformance with the provisions of the orderly marketing agreement negotiated with the Government of Japan limiting the export of color television receivers and certain sub-assemblies thereof from Japan to the United States for a period of 3 years, which expired on June 30, 1980, the Commission issued three quarterly reports in fiscal year 1980. These reports show aggregate monthly data provided by U.S. producers of color TV receivers on production, shipments, inventories, imports, employment, man-hours, prices, and other economic factors indicative of conditions in the U.S. industry.<sup>7</sup> In addition, the Commission issued the third of the required annual reports showing quarterly data on profit and capacity and annual data on capital expenditures for U.S. producers, and quarterly data on prices, orders, and inventories for importers.<sup>8</sup> These periodic reports ceased with the expiration of the orderly marketing agreement with Japan but were reconstituted in conformance with new orderly marketing agreements limiting exports of color television receivers from the Republic of Korea and Taiwan. These reports, two of which were released in fiscal year 1980, will continue through May 1982 for the duration of the new orderly marketing agreements, unless modified or terminated earlier by the President.<sup>9</sup>

Following receipt of the Commission's report on mushrooms in January 1977 (investigation No. TA-201-10), the President determined that import relief was not in the national economic interest. However, he decided to monitor import competition in the domestic market for canned mushrooms. Accordingly, pursuant to section 332(g) of the Tariff Act of 1930, the President requested the Commission to prepare quarterly statistical reports on U.S. production, sales, inventories, imports, exports, and appar-

<sup>1</sup> Public Law 96-555 (H.R. 1071, 1025), unnumbered (C/P) submission, 1980.

<sup>2</sup> Public Law 96-551 (H.R. 945, 946) Executive Order No. 11977, September 1976; 50 CFR 101.17 at 2, subpart 4, of the Sub. (C/P) Publication 1980, 1980.

<sup>3</sup> Presidential Proclamation No. 4485, September 1976; 50 CFR 101.17 at 2, subpart 4, of the Sub. (C/P) Publication 1980, 1980.

<sup>4</sup> Presidential Proclamation No. 4485, extended the quotas to Feb. 13, 1980.

<sup>5</sup> First calendar quarter 1979 (C/P) Publication 1979, 1979; fourth calendar quarter 1979 (C/P) Publication 1980, 1980.

<sup>6</sup> Annual report on U.S. importers to calendar year 1979 (C/P) Publication 1980, 1980; annual report on U.S. producers to calendar year 1979 (C/P) Publication 1980, 1980.

<sup>7</sup> First calendar quarter 1979 (C/P) Publication 1979, 1979; fourth calendar quarter 1979 (C/P) Publication 1980, 1980; the calendar quarter 1980 (C/P) Publication 1981, 1980.

<sup>8</sup> Annual report to calendar year 1979 (C/P) Publication 1980, 1980.

<sup>9</sup> Second calendar quarter 1980 (Preliminary) (C/P) Publication 1980, 1980; second calendar quarter 1980 (Final) (C/P) Publication 1980, 1980.

ent consumption of canned mushrooms. These quarterly reports are to be continued until the Commission is notified by USITR that they are no longer required. The Commission issued two such quarterly reports in fiscal 1980.<sup>10</sup>

After considering the Commission's report on footwear (investigation No. TA-201-18), the President decided not to impose the tariff rate-quota remedy recommended by the Commission for the injury it found, but rather to negotiate orderly marketing agreements limiting the export of certain footwear from Taiwan and the Republic of Korea to the United States. On June 24, 1977, he announced such agreements covering certain footwear shipped to the United States for the 4 years ending June 30, 1981.<sup>11</sup> The President announced that the Commission would issue quarterly reports showing monthly data on U.S. production, imports for consumption, apparent consumption, employment, and prices. It would also conduct annual surveys of domestic producers with respect to profit, orders, capacity, inventories, prices, capital expenditures, and research and development expenditures, and annual surveys of importers with respect to prices, orders, and inventories.

During fiscal year 1980, the Commission issued an annual survey of footwear producers and importers<sup>12</sup> and four quarterly surveys.<sup>13</sup> The quarterly and annual reports are to continue for the duration of the orderly marketing agreements.

On January 6, 1979, the President, after receiving the Commission's recommendations in connection with investigation No. TA-201-37, imposed duty increases on bolts, nuts, and large screws of iron or steel.<sup>14</sup> The increases

are scheduled to remain in effect for 3 years. The Commission is currently monitoring the fastener industry to determine the effects of the increased duties and in fiscal year 1980 published one annual<sup>15</sup> and four quarterly reports.<sup>16</sup> The annual report covered U.S. producers' profits, unfilled orders, inventories, capital expenditures, and capacity, and U.S. importers' unfilled orders, inventories, and prices. The quarterly reports provided data on U.S. production, shipments, imports, exports, apparent consumption, employment, man-hours, and prices.

On January 18, 1980, the President, after receiving the Commission's recommendations in connection with investigation No. TA-201-38, imposed duty increases on certain nonelectric cooking ware of steel.<sup>17</sup> The increases are scheduled to remain in effect for 4 years. The Commission is currently monitoring this segment of the nonelectric cooking ware industry to determine the effects of the increased duties and has prepared one annual and one semi-annual report for the President.<sup>18</sup> The annual report for calendar year 1979 covered data on profits, capital expenditures, capacity, and capacity utilization. The semiannual report, covering the last half of 1979 and the first half of 1980, showed data on U.S. production, U.S. producers' domestic, export, and total shipments, imports, apparent U.S. consumption, employment, and man-hours.

#### Other Periodic Reports

The compilation and publication of the following two series of data began some years ago in response to congressional and general public interest. Series A relates to all motor vehicles (i.e., passenger automobiles, trucks, buses, and so forth) and is published annually in the spring. Series B relates to new passenger automobiles only and is published annually.

<sup>10</sup> Two calendar quarter 1979 USITC Publication 1979-1979, fourth calendar quarter 1979 USITC Publication 1979-1980. The two quarterly reports in fiscal 1980 were suspended at the request of the USITR because the Commission was conducting an investigation under section 201 of the Trade Act of 1974 into the relationship of the same product.

<sup>11</sup> Presidential Proclamation No. 4915, June 25, 1977, in *Executive Orders* 281-501, 2, 4, and 6, in the Appendix to the Tariff Schedules.

<sup>12</sup> Annual report to Congress years 1979 and 1979 USITC Publication 1979-1980.

<sup>13</sup> First calendar quarter 1979 USITC Publication 1979-1979, fourth calendar quarter 1979 USITC Publication 1979-1980, first calendar quarter 1980 USITC Publication 1979-1980, second calendar quarter 1980 USITC Publication 1979-1980.

<sup>14</sup> Presidential Proclamation No. 4915, January 6, 1979, in *Executive Orders* 281-501, 2, 4, and 6, in the Appendix to the Tariff Schedules.

<sup>15</sup> Annual report on U.S. producers and U.S. importers to steel for 1979 USITC Publication 1980-1980.

<sup>16</sup> First calendar quarter 1979 USITC Publication 1979-1979, fourth calendar quarter 1979 USITC Publication 1979-1980, first calendar quarter 1980 USITC Publication 1979-1980, second calendar quarter 1980 USITC Publication 1979-1980.

<sup>17</sup> Presidential Proclamation No. 4915.

<sup>18</sup> Due to the great number of items in this category, these reports were not made public.

# BEST DOCUMENT AVAILABLE

in the fall. Series A was published in fiscal year 1980, and Series B was completed and awaiting printing at the close of fiscal year 1980.

*Automotive Trade Statistics, 1964-79: U.S. Factory Sales, Imports, Exports, Apparent Consumption, and Trade Balances With Canada and All Other Countries (Series A-Motor Vehicles).* UBITC Publication 1078, June 1980.

*Automotive Trade Statistics, 1964-79: U.S. Factory Sales, Retail Sales, Imports, Exports, Apparent Consumption, Suggested Retail Prices, and U.S. Bilateral Trade Balances With the Eight Major Producing Countries (Series B: Passenger Automobiles).* UBITC Publication 1102, October 1980.

## SUMMARIES OF TRADE AND TARIFF INFORMATION

The Commission periodically publishes a series of summaries of trade and tariff information to provide the Congress, the courts, Government agencies, foreign governments, industrial institutions, research and trade organizations, and the general public with information on each of the commodities listed in the Tariff Schedules of the United States.

These summaries provide comprehensive coverage of product uses, manufacturing processes, and commercial practices, and include analysis of the numerous factors affecting U.S. and world trade in each commodity area.

The overall summary program will run several years, ultimately covering all items of the TSUS. In fiscal year 1980, the Commission issued the following summaries:

Title	Contract No.	Release date
Auto and Rubber Tariff Summary	7-0-0	July 1980
Merchandise Tariff Summary	7-1-0	September 1980
Textiles, Yarn, and Lined Goods and Production Summary	7-2-0	September 1980

## ASSISTANCE TO THE CONGRESS

During fiscal year 1980, the Office of Congressional Liaison continued to provide liaison with the Congress, State and local governments, international organizations, and the independent Federal Government agencies. Responding to congressional inquiries remained a major activity of the Office: the Commission replied to an average of 36 written requests and 74 telephone inquiries each month. In addition, technical assistance was provided on 89 bills, and staff specialists participated at a number of congressional committee hearings.

The report on an investigation requested by the House Ways and Means Committee in June 1980 and conducted under section 332 of the Tariff Act of 1930, Study of the Economic Effects of the Eruptions of Mount St. Helens (No. 332-110), was transmitted to the committee on September 15, 1980. Also, the Commission continued its ongoing section 332 investigation on Formulation of an International Commodity Code (No. 332-73), as required by section 808(c)(1) of the Trade Act of 1974.

In response to specific requests by the Chairman of the Subcommittee on Trade of the House Ways and Means Committee, the Office of Economics completed two studies during fiscal 1980. In October 1979, the Commission submitted the first study, Extending Most-Favored-Nation Tariff Treatment to the People's Republic of China: Including Analysis of the Trade and Revenue Effects, 1980-84, for use during hearings on extending MFN to China. In February 1980 the Commission submitted a similar report, Extending Most-Favored-Nation Tariff Treatment to the Union of Soviet Socialist Republics: Including Analysis of the Trade and Revenue Effects, 1980-84.

During the year, 11 Members of Congress appeared as witnesses at hearings before the Commission, and written testimony on several cases being investigated by the Commission was received from additional Congressmen.

## ORGANIZATION OF THE COMMISSION

On September 30, 1980, the U.S. International Trade Commission was composed of 5 Commissioners and 401 staff members.<sup>1</sup> The chart on page 52 depicts the Commission's organization at the end of fiscal year 1980.

The Secretary serves the Commission in the conduct of its business and is an official point of contact, in general, with other Government agencies and the public. The Public Information Office is the unit in the Office of the Secretary responsible for media relations and consumer affairs. The Director, Office of Executive Liaison and Special Advisor for Trade Agreements, acts as the Commission's liaison with the President's United States Trade Representative and advises the Commission on trade agreements. The General Counsel is the Commission's chief legal officer. The Senior Advisor advises the Commission on a broad range of issues affecting all phases of Commission activity. The Chief Administrative Law Judge presides over section 337 case hearings. The Director, Office of Congressional Liaison, acts as the principal Commission contact with the Senate and the House of Representatives. The Director of Operations is in charge of carrying out the Commission's substantive day-to-day activities, including investigative duties. The Director of Administration is responsible for support, including Personnel, Finance, Services, and Production.

### Membership of the Commission

As provided in the Tariff Act of 1930, the six Commissioners of the U.S. International Trade Commission are Presidential appointees who are confirmed by the Senate. Their terms are 9 years in length, unless a Commissioner is appointed to fill an unexpired term, and they are not eligible for reappointment if they serve for more than 5 years. By provision of Public Law 95-106 the President is authorized to designate the Chairman and Vice Chairman for 2-year terms. The Chairman and Vice Chairman may not be of the same political party, nor may the President appoint two Commissioners of the same political party for two consecutive 2-year terms as Chairman. Not more than three Commissioners may belong to the same political party.

At the start of fiscal year 1980, Joseph O. Parker was Chairman; he served in this capacity until his retirement from Federal service effective December 31, 1979. Catherine Bedell was designated by the President to complete Mr. Parker's term and served as Chairman from January 1, 1980, to June 16, 1980. Bill Altberger was appointed by the President to a 2-year term as Chairman effective June 17, 1980; concomitantly, Michael J. Calhoun was designated as Vice Chairman. Bill Altberger served as Vice Chairman during fiscal year 1980 until he became Chairman.

<sup>1</sup> Temporary employees not included.



# Executive Staff of the Commission at the Close of Fiscal Year 1980

General Counsel .....	Michael H. Stein
Director, Office of Executive Liaison and Special Advisor for Trade Agreements .....	William T. Hart
Senior Advisor to the Commission .....	Russell N. Shewmaker <sup>1</sup>
Secretary to the Commission .....	Kenneth R. Mason
Director, Office of Congressional Liaison .....	George L. Hanger
Chief Administrative Law Judge .....	Donald K. Duval
Administrative Law Judge .....	Janet D. Saxon
Director, Office of Administration .....	Charles R. Remondale
Chief, Finance and Budget Division .....	Edward C. Wellington, Jr.
Director of Personnel .....	Terry P. McGowan
Chief, Services Division .....	Ronald P. Fox
Chief, Production Division .....	Kenneth Will, Jr.
Director of Operations .....	Charles M. Eym
Director of Investigations .....	E. William Fry <sup>2</sup>
Director, New York Field Office <sup>3</sup> .....	Walter S. Traversant
Director of Industries .....	Barrie A. Lynch
Chiefs of Divisions	
Agriculture, Fisheries, and Forest Products .....	Edward P. Fulton
Minerals and Metals .....	Larry L. Bruckhart
Energy and Chemicals .....	Amoson Jomard
Textiles, Leather Products, and Apparel .....	Reuben I. Schwartz
Machinery and Equipment .....	Arnold H. Oleson
General Manufactures .....	Vacant
Director, Office of Economics .....	Norman S. Finkle
Director, Office of Data Systems .....	Michael J. Orsowsky
Director, Office of Tariff Affairs .....	Eugene A. Rosenberg
Public Information Officer .....	Harold W. Sundstrom

<sup>1</sup> Mr. Shewmaker served effective Jan. 15, 1981.

<sup>2</sup> Effective Jan. 15, 1981, the Investigative Staff and the Office of Legal Services were combined into a single Office of Investigations.

<sup>3</sup> The New York Field Office was established as a separate unit on Feb. 1, 1981. Mr. Traversant was its Director at the close of fiscal year 1981.

The following Commissioners served during fiscal year 1980:

Commissioner Joseph O. Parker, Republican of Virginia. Mr. Parker left the Commission on December 31, 1979, following the expiration of his term on December 15, 1979.

Commissioner George M. Moore, Republican of Maryland. Mr. Moore, whose term was to expire December 15, 1982, resigned effective January 15, 1981.

Commissioner Catherine Sedell, Republican

of Washington. Mrs. Sedell's term expires June 15, 1984.

Commissioner Bill Alberger, Democrat of Oregon. Mr. Alberger's term expires December 15, 1985.

Commissioner Paula Stern, Democrat of the District of Columbia. Dr. Stern's term expires June 15, 1987.

Commissioner Michael J. Callahan, Independent of the District of Columbia. Mr. Callahan's term expires December 15, 1988.

## Sources of information

Inquiries should be directed to the specific organizational unit or to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20438, phone 202-625-5181. Publications may be ordered 24 hours a day, 7 days a week, by calling 202-625-5178.

Facilities for research by the public are located in the Office of the Secretary and in the Commission Library.

In addition to its statutory obligations to conduct public investigations, the Commission assists the legislative and executive branches of Government and answers many inquiries from the news media and the public. As the international economic research arm of the Government, it maintains a 77,000-volume library, which receives about 2,400 periodicals. The facility houses not only publications on international trade and U.S. tariff and commercial policy, but also many business and technical journals. In addition, the Commission's Office of the General Counsel maintains a law library and a comprehensive file of documents on legislation affecting U.S. trade.

## EMPLOYMENT AND APPROPRIATIONS

In fiscal year 1980, average employment—in terms of work-years—was 412, about 8 percent above that of fiscal year 1979. The following tabulation shows the number of permanent full-time officers and employees of the Commission by organizational units at the close of fiscal year 1980.

Position or activity	Fiscal yr. 1980
Commissioners	5
Office of the Commissioner	40
Office of the Secretary	40
Office of International Trade and General Counsel to Trade	
Representatives	5
Office of the General Counsel	40
Office of Congressional Liaison	5

Position or activity—Com.	Fiscal yr. 1980
Office of the Secretaries	2
Office of the Administrative Law Judge	2
Office of the Director of Administration	4
Finance and Budget Division	10
Personnel Division	10
Services Division	10
Production Division	40
Office of the Director of Operations	2
New York Field Office	2
Office of Investigations	40
Office of Industries	100
Office of Economics	40
Office of Data Systems	20
Office of Text Affairs	10
Total	401

The U.S. International Trade Commission submits its budget to the President for transmittal to the Congress. During fiscal year 1980, appropriated funds made available to the Commission amounted to \$15,530,000. Reimbursements received totaled \$20,000, making available a grand total of \$15,550,000. Obligations for fiscal years 1979 and 1980 were as follows:

Item	Fiscal year 1979	Fiscal year 1980
Services and personal benefits	\$ 6,074,000	\$10,000,000
Travel and transportation	274,000	200,000
Supplies and communications services	1,400,000	1,127,000
Other services	600,770	974,000
Printing and reproduction	170,000	140,000
Equipment, materials, and materials	600,000	700,000
Total	10,049,770	14,141,000

A majority of the Commission's employees are housed in the U.S. International Trade Commission Building, at 701 E Street NW.<sup>1</sup> Owing to space limitations, approximately 15 percent of the Commission's employees are located at the Dodge Center, 1010 Wisconsin Avenue NW., and the Bicentennial Building, at 800 E Street NW.

<sup>1</sup> The building was built from 1955 to 1960 under the supervision of Thomas C. Meier, one of the architects of the Capitol. The Commission took up quarters in the building in 1961 after built quarters at the Commerce Center. The General Counsel Office, the Bureau of Legislation, the National Technical Staff Office, and General Administrative Services are located in the building.



## Labour Agreements

(1) The first contract between the Commission and the American Federation of Government Employees (AFGE) covering about two-thirds of the agency's 450 employees was negotiated and signed by the contracting parties on November 18, 1976. Commission Chairman Joseph S. Parnes, left, and AFGE Local 2011 President John Fowler participated in the signing ceremony. Chairman Parnes hailed the occasion as representing "a great step forward in our joint endeavor to carry out the public trust that is reposed in us." He also said the contract will "help us maintain the standard of excellence for which this agency is noted."

(2) Chairman Bill Sturgeon, right, and G. Ray Marshall, President, Graphics & International Union, Local 98, shake hands following the June 24, 1980, signing of a contract covering the nonconservatory employees of the Graphics Section.







#### Commission Meetings

(5) Generally, held once or twice per week in room 4077 of the CBRT Building, Commission meetings are the forum in which the Commission carries out its agency business and acts on issues and other agency business. Normally, Commission meetings are open to the public to observe. If a meeting is closed, as early as possible the Commission publishes and posts a notice containing a full explanation of the reasons for closing the meeting and a list of persons who are expected to attend.

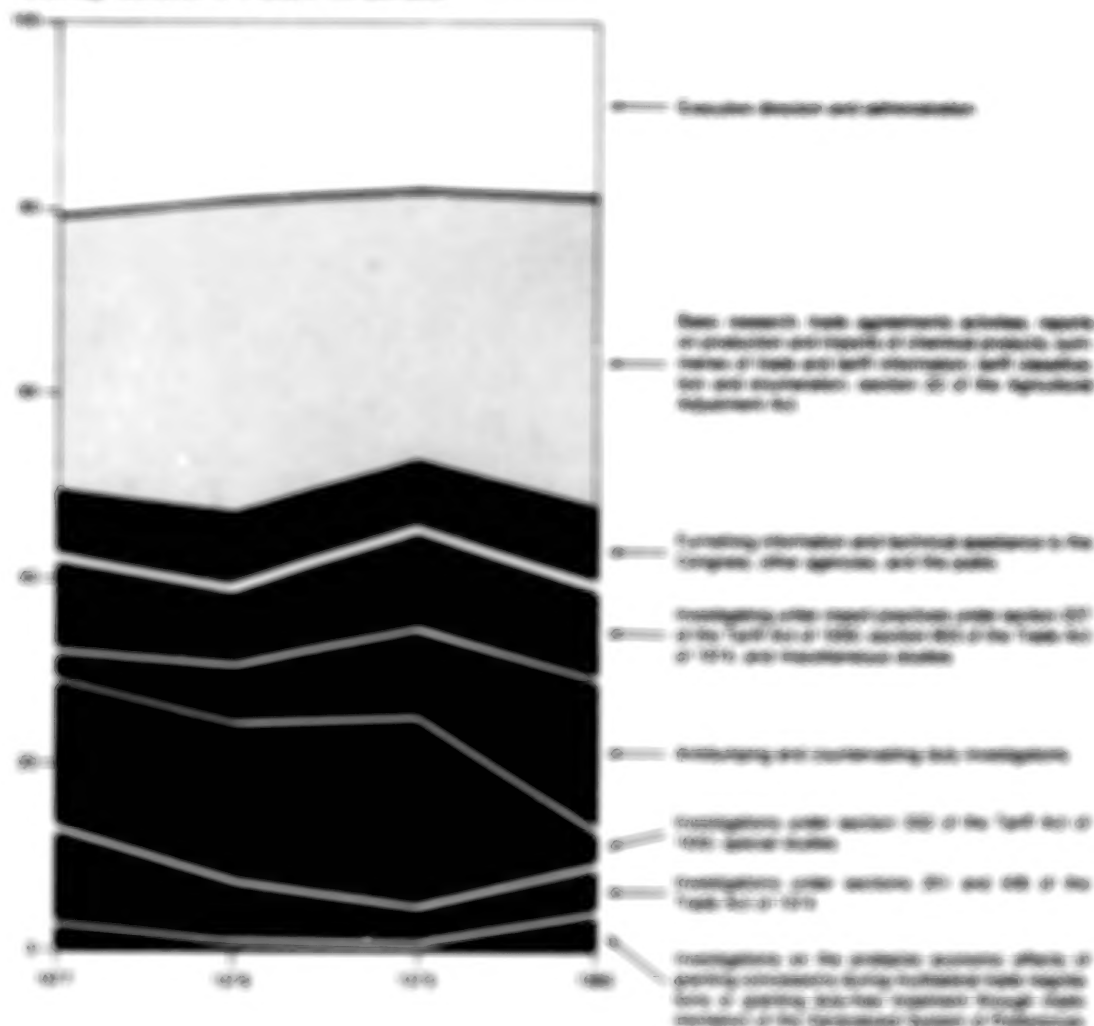


UNITED STATES INTERNATIONAL TRADE COMMISSION



# SUMMARY OF PRINCIPAL ACTIVITIES OF THE U.S. INTERNATIONAL TRADE COMMISSION, FISCAL YEARS 1977-80

Percentage distribution of principal activities



# appendix a







- and entered by returning United States residents August 22, 1960.
- 47 S. 1384 (MR. Bentsen)—To suspend the duty on freight cars until the close of June 30, 1961. (December 6, 1979)
- 48 S. 1385 (MR. Bentsen)—To amend the Tariff Schedules of the United States with respect to certain cutlery. (November 29, 1979)
- 49 S. 1386 (MR. Harkin)—For the relief of the Chinese Cultural and Community Center, Philadelphia, Pennsylvania. (November 16, 1979)
- 50 S. 1776 (MR. McClure)—To amend the Tariff Schedules of the United States to repeal the duty on certain handglasses and binoculars. (November 9, 1979)
- 51 S. 1776 (MR. Tower)—To impose quantitative restrictions on the importation of lamb meat. (March 18, 1980)
- 52 S. 1832 (MR. DeConcini)—To provide for a temporary suspension of duty with respect to certain pistons. (March 24, 1980)
- 53 S. 2099 (MR. Bentsen)—To prohibit until January 1, 1982, the conversion of the rates of duty on certain unmanufactured lead to all various equivalents. (February 25, 1980)
- 54 S. 2099 (MR. Harkin)—To continue until the close of June 30, 1982, the existing suspension of duties on concentrate of potato starch. (March 24, 1980)
- 55 S. 2099 (MR. Harkin)—To permit until July 1, 1982, the duty-free entry of Trawl and Ratchet type sailing machines. (May 8, 1980)





## KEY STATUTES INVOLVING THE U.S. INTERNATIONAL TRADE COMMISSION

### Sec. 201, Trade Act of 1974 (Escape-Clause Investigations), Import Relief for Domestic Industries

**When:** The Commission conducts investigations upon its own motion or upon petition on behalf of a firm, a group of workers, or other entity representative of an industry to determine whether an article is being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

**Duration:** The investigation must be completed not later than 6 months after being instituted.

**Finding:** If the Commission's finding is affirmative it must recommend a remedy to the President, who has discretion to take action to provide import relief, such as an increase in duties, the establishment of quantitative restrictions, the negotiation of orderly marketing agreements, or specified types of adjustment assistance to groups of workers, firms, or communities.

**Followup:** The Commission reports with respect to developments within an industry that has been granted import relief and advises the President of the probable economic effect of the reduction or the elimination of the tariff increase that has been granted.

### Sec. 337, Tariff Act of 1930 (Investigations of Unfair Practices in Import Trade)

**When:** The Commission, after receipt of a complaint under oath from an interested party or upon its own motion, conducts investigations to determine whether unfair methods of competition or unfair acts are occurring in the importation of articles into the United States or in their sale.

**Duration:** The investigation must be completed in no more than 1 year, or 18 months in a more complicated case, after the date of publication of notice of investigation in the *Federal Register*.

**Finding:** If the Commission determines that the importation of such articles is such that the effect or tendency is to destroy or substantially injure an efficiently and economically operated industry, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce, it may issue orders excluding the articles from entry or issue cease and desist orders. The President may disapprove these actions within 60 days after receipt of the Commission's determination.

### Sec. 703(a), Tariff Act of 1930 (Preliminary Countervailing Duty Investigations), Subsidized Imports

**When:** The Commission, after the simultaneous filing of a proper petition with it and the Department of Commerce, conducts investigations to determine, on the basis of the best information available

to it at the time of the determination, whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of the allegedly subsidized merchandise which is the subject of the investigation by Commerce.

**Duration:** The investigation must be completed within 45 days of the receipt of the petition.

**Finding:** If the Commission's determination is affirmative, Commerce continues its investigation.

**Sec. 725(b), Tariff Act of 1930 (Final Countervailing Duty Investigation), Subsidized Imports**

**When:** The Commission, after a preliminary determination by the Secretary of Commerce that imported articles are subsidized, conducts investigations to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the subsidized merchandise.

**Duration:** The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or 45 days after an affirmative final determination by the Secretary of Commerce that a subsidy is being provided, whichever is longer.

**Finding:** If the Commission's determination is affirmative, the Secretary of Commerce imposes a countervailing duty on imports of the articles in question.

**Sec. 723(a), Tariff Act of 1930 (Preliminary Antidumping Investigation), Imports Marketed at Less Than Fair Value**

**When:** The Commission, after the simultaneous filing of a proper petition with it and the Department of Commerce, conducts investigations to determine, on the basis of the best information available to it at the time of the determination, whether there is a reasonable

indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of the allegedly dumped merchandise which is the subject of the investigation by Commerce.

**Duration:** The investigation must be completed within 45 days of receipt of the petition.

**Finding:** If the Commission's determination is affirmative, Commerce continues its investigation.

**Sec. 725(b), Tariff Act of 1930 (Final Antidumping Investigation), Imports Marketed at Less Than Fair Value**

**When:** The Commission, after a preliminary determination by the Secretary of Commerce that imported articles are being, or are likely to be, sold at less than fair value, conducts investigations to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the dumped merchandise.

**Duration:** The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or 45 days after an affirmative final determination by the Secretary of Commerce that the imported articles are being, or are likely to be, sold at less than fair value.

**Finding:** If the Commission's determination is affirmative, the Secretary of Commerce imposes a dumping duty on imports of the articles in question.

**Sec. 332, Tariff Act of 1930 (General Purpose Investigation)**

**When:** Upon official request or upon its own motion, the Commission initiates a factfinding investigation on any matter involving tariffs and international trade. This broad provision allows the Commission to investigate trade matters of immediate concern to the Government and the public.

**Duration:** Unless otherwise directed, the

Commission establishes an administrative deadline.

**Finding:** Unless the President or the Congress directs otherwise, the Commission's reports are made available to all interested parties, the general public, the President and executive departments, and the Congress.

#### **Sec. 22, Agricultural Adjustment Act, Import Interference With Agricultural Programs**

The Commission conducts investigations at the direction of the President to determine whether any articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with programs of the Department of Agriculture for agricultural commodities or products thereof, or to reduce substantially the amount of any product processed in the United States from such commodities or products, and makes findings and recommendations to the President. The President may restrict the imports in question by imposition of either import fees or quotas.

#### **OTHER AREAS OF INVOLVEMENT BY STATUTE**

##### **Recovery of Bounties or Grants on Imports**

The Commission determines, with respect to any duty-free article on which the Secretary of the Treasury has determined that a bounty or grant is being paid, whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article. (Sec. 309, Tariff Act of 1930, 48 Stat. 887.)

##### **Uniform Statistical Data**

The Commission, in cooperation with the Secretary of the Treasury and the Secretary of Commerce, establishes for statistical purposes an enumeration of articles imported into the United States and exported from the United States, and seeks to establish comparability of such statistics with statistical programs for domestic production.

In conjunction with such activities, the Commission and the Secretary of Commerce are to identify concepts underlying the formulation of an international commodity code for reporting transactions in international trade and to report thereon to the Congress. (Sec. 434(x), Tariff Act of 1930, 19 U.S.C. 1434(x), sec. 608, Trade Act of 1974.)

##### **Tariff Schedules of the United States Annotated**

The Commission issues a publication containing U.S. tariff schedules and related material and considers questions concerning the arrangement of such schedules and the classification of articles. (Sec. 201, Tariff Classification Act of 1962, 78 Stat. 74, sec. 332(a) and 434(x), Tariff Act of 1930, 19 U.S.C. 1332(a) and 19 U.S.C. 1434(x).)

##### **Tariff Summaries**

The Commission prepares and publishes, from time to time, a series of summaries of trade and tariff information. These summaries contain descriptions (in terms of the Tariff Schedules of the United States) of the thousands of products imported into the United States, methods of production, and the extent and relative importance of U.S. consumption, production, and trade, together with certain basic factors affecting the competitive position and economic health of domestic industries. (Sec. 330, Tariff Act of 1930, 19 U.S.C. 1330.)

##### **Advice Concerning Trade Negotiations**

The Commission advises the President as to the probable economic effect on domestic industries and consumers of modification of duties and other barriers to trade which may be considered for inclusion in any proposed trade agreement with foreign countries. (Sec. 131, Trade Act of 1974, 19 U.S.C. 2151.)

##### **Generalized System of Preferences**

With respect to articles which may be considered for duty-free treatment when imported

from Designated Developing countries, the Commission advises the President as to the probable economic effect of the removal of duty on the domestic industry and on consumers. (Secs. 1311 and 502, Trade Act of 1974; 19 U.S.C. 2131, 2182.)

#### **East-West Trade Monitoring System**

The Commission monitors imports into the United States from nonmarket economy countries and makes a report not less frequently than once each calendar quarter on the effect of such imports on the production of like or directly competitive articles in the United States

and on employment within the industry. (Sec. 410, Trade Act of 1974; 19 U.S.C. 2440.)

#### **Trade With Communist Countries**

The Commission makes investigations to determine whether increased imports of an article produced in a Communist country are causing market disruption in the United States. If the Commission's determination is in the affirmative, the President may take the same action as in a case involving injury to an industry, except that the action would apply only to imports of the article from the Communist country. (Sec. 418, Trade Act of 1974; 19 U.S.C. 2438.)

**BEST DOCUMENT AVAILABLE**





**END**

9-7-82